

MINUTES

OF THE

**2nd ORDINARY MEETING
FOR THE YEAR 2009**

of

MATJHABENG MUNICIPALITY

held on

FRIDAY, 29 MAY 2009

at

14:00

COUNCILLORS ATTENDANCE: COUNCIL MEETING: 29 MAY 2009

ANC

PROPORTIONAL			
1.	Leeto NS (Executive Mayor)	14.	Radebe ML (MMC)
2.	Baitjies M	15.	Ramaisa KA
3.	Dlova TW (MMC)	16.	Senoge MM
4.	Humphries MF(MMC)	17.	Sephiri MJ (Chief Whip)(Absent-not signed)
5.	Masoleng NI	18.	Speelman NW (MMC)
6.	Matlabe MMT	19.	Qwasha GL
7.	Sentle AN	20.	Thuthani ZA (MMC)
8.	Ntsebeng MH (MMC)	21.	Radebe MC
9.	ZP Noveld (MMC) (Written Apology)	22.	Tlhone ML
10.	Molefi MJ	23.	Tsubane ME
11.	Nyembe ME	24.	Twanana M
12.	Petleki KI	25.	Vanga NM
13.	Qabela V (Written Apology)	26.	KhaliphaTD
		27.	Majoe TS (Absent)
WARD			
28.	Phokwana SL	44.	Mphikeleli MA
29.	Kotzee AP (MMC)	45.	Nakwa TA (Until 14:30)
30.	Mahloko NN	46.	Ntsala NS
31.	Makgowe ME	47.	Peterson E
32.	Mankayi NE	48.	Phetise ME
33.	Manzana NR	49.	Radebe LLF
34.	Masienyane MD	50.	Rubulana L (Speaker)
35.	Mathebula MA	51.	Nteo SD
36.	Mfebe MSE	52.	Sejane LM
37.	Mkhusane NC	53.	Semela ME
38.	Moahloli MS	54.	Sithole B
39.	Mokhuma MS	55.	Taliwe FE
40.	Mokobori KE	56.	Themhani PP
41.	Monjovo NE	57.	Tsatsa SJ
42.	Montshioa BA (MMC)		
43.	Motshabi MP		

II

DA

PROPORTIONAL			
58.	Edeling JH	62.	Mhlafu BD (Absent)
59.	Fourie JJC (Written Apology)	63.	Mokotedi TG
60.	Marais JS (Written Apology)	64.	Neumann VH (Written Apology)
61.	Meyer KL		
WARD			
65.	Beneke R	68.	Styger A (Written Apology)
66.	Botha PF	69.	Van Rooyen HC
67.	Smit DC		

FF+

PROPORTIONAL	
70.	Coetzee BJA

ACDP

PROPORTIONAL	
71.	Meko MA (Absent)

IND

WARD	
72.	Liphoko SJ (Written Apology)

OFFICIALS

Mr THE Pietersen : Municipal Manager
Mr MP Matsie : Acting Director Corporate Support Services
Me KR Maloka : Director Social Services and Law Enforcement
Mr LB de Bruyn : Acting Chief Financial Officer **(Not signed)**
Mr JKF Jankowitz : Administrative Officer (Corporate Services)

III

SECTION A

1. OPENING

The Speaker requested Cllr LLF Radebe to open the meeting with a prayer whereafter he welcomed everybody at the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

See Councillors Attendance List on **pages I and II**

3. OFFICIAL ANNOUNCEMENTS OF THE SPEAKER

- (i) The Executive Mayor proposed that Items A15/2009, A16/2009 and A22/2009 be dealt with lastly.
- (ii) The Executive Mayor requested that items be presented by the MMC responsible for that department.
- (iii) The Executive Mayor informed that meeting that the previous day was 'Bring a girl child to work'-day and for Council to be able to contribute towards the agenda of South Africa of ensuring that the girl child is empowered in terms of how government runs its business and all other institutions she requested that learners, invited by herself as Executive Mayor, be allowed to attend the meeting by sitting in the Chambers with Councillors.

The Executive Mayor welcomed the learners at the Council meeting of Matjhabeng Municipality and expressed the view that they should share their experience with other learners.

4. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

- 4.1 Cllr NW Speelman congratulated President Zuma on his election as President of South Africa.
- 4.2 Cllr BA Montshioa congratulated Cllr HC Van Rooyen who has been elected to serve on the Lawyers Association of SA as co-chairperson.
- 4.3 Cllr BA Montshioa also congratulated Cllr JS Marais for being elected on the Rugby Union.
- 4.4 Cllr BA Montshioa further congratulated Ace Magashule on his election as Premier of the Free State.

IV

5. DISCLOSURE OF INTEREST

None

6. DEPUTATIONS AND INTERVIEWS

None

7. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

(See item A29/2009)

8. MINUTES OF THE PREVIOUS MEETING

IT WAS RESOLVED: (2009-05-29)

8.1 That the Minutes of the 1st Special meeting of Council held on 20 January 2009 **BE APPROVED**.

8.2 That the Minutes of the 1st Ordinary meeting of Council held on 3 February 2009 **BE APPROVED** subject to the following amendment:

Attendance Register: That the name of Cllr SC Dlamini **be deleted**.

8.3 That the Minutes of the 2nd Special meeting of Council held on 12 February 2009 **BE APPROVED** subject to Cllr Mahloko's attendance be verified.

8.4 That the Minutes of the 3rd Special meeting of Council held on 23 March 2009 **BE APPROVED** subject to Cllr Mhlafu's attendance be verified.

8.5 That the Minutes of the 4th Special meeting of Council held on 31 March 2009 **BE APPROVED**.

//The Speaker once again reiterated in the meeting that if a Councillor did not sign the attendance register he/she would be regarded as being absent from a particular meeting.//

9. FORMAL SIGNING OF MINUTES

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

V

10. MATTERS ARISING FROM THE MINUTES

None

SECTION B

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

A10/2009 – A11/2009

12. REPORTS OF THE EXECUTIVE MAYOR

A15/2009, A16/2009 and A22/2009

13. CLOSING REMARKS

The Speaker afforded the learners the opportunity to give feedback on their experience of the Council meeting.

14. CLOSURE

The Speaker terminated the meeting at **16:25**

.....
L RUBULANA (SPEAKER)

.....
DATE

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The Speaker requested Council to appoint an Acting Speaker to allow him to present items A10/2009 and A11/2009.

Cllr MP Motshabi was elected to act as Speaker.

A10/2009

FREE STATE MUNICIPAL PENSION FUND : ELECTION OF COUNCILLOR REPRESENTATIVES TO THE GENERAL COMMITTEE OF THE FREE STATE MUNICIPAL PENSION FUND (4/1/2/2) (Office of the Speaker)

PURPOSE

To request Council to elect Councillor Representatives to serve on the Free State Municipal Pension Fund.

DISCUSSIONS

Cllr L Rubulana presented the item to Council and requested nomination of five representatives on the General Committee of the Free State Municipal Pension Fund.

COUNCIL RESOLVED (29 MAY 2009)

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

Cllrs L Rubulana, MC Radebe, E Peterson, KA Ramaisa, and VH Neumann.

A11/2009

LOCAL GOVERNMENT LAWS AMENDMENT ACT 2008 (1/1/37) (Office of the Speaker)

PURPOSE

To submit the Local Government Laws Amendment Act, No 19 of 2008, to Council for information.

DISCUSSIONS

Cllr L Rubulana presented the item and specifically pointed out the amendment to item 6 and 14 of Schedule 1 to Act 32 of 2000, which stipulate that no councillor or staff member of the municipality may be a party to or beneficiary under a contract for the provision of goods or services to any municipality or any municipal entity established by a municipality.

Cllr Montshioa indicated that the above-mentioned amendments would have far reaching effects on councillors and officials.

COUNCIL RESOLVED (29 MAY 2009)

That Council **MANDATES** SALGA to interact with the Ministry on the consequences of the amendment of the act.

//Cllr Rubulana took over the chair as Speaker for the rest of the proceedings.//

A12/2009

MONTHLY BUDGET REPORT – MARCH 2009 (ACFO) (12/1/2/3)

PURPOSE

To submit to Council the Budget report for March 2009 in terms of Section 71 of the Municipal Finance Management Act number 56 of 2003.

DISCUSSIONS

Cllr AP Kotzee presented the item.

COUNCIL RESOLVED (29 MAY 2009)

That Council **TAKES NOTE** of the Monthly Budget Report for March 2009.

A13/2009

NINE MONTHS MONTHLY BUDGET REPORT ENDING MARCH 2009 (ACFO) (12/1/2/3)

PURPOSE

To submit to Council the Budget report for nine months ending March 2009.

DISCUSSIONS

Cllr AP Kotzee presented the item and requested that it be referred back for submission at the next Council meeting.

COUNCIL RESOLVED (29 MAY 2009)

That the Budget Report for the nine months ending March 2009 **BE REFERRED BACK** for submission at the next Council meeting.

A14/2009

AMENDMENTS TO THE TRAVELING AND SUBSISTENCE POLICY (MM)
(5/4B)

PURPOSE

To submit an amended Traveling and Subsistence Policy to Council for consideration.

DISCUSSIONS

Cllr BA Montshioa presented the item.

COUNCIL RESOLVED (29 MAY 2009)

That the Amendment to the Travelling and Subsistence allowance **BE APPROVED**.

A15/2009

IDP REVIEW FOR 2009/2010 (18/1/18) (IDP DEPARTMENT)

PURPOSE

To present to Council the IDP review 2009/10 for adoption.

DISCUSSIONS

The Executive Mayor presented the item to Council.

Cllr Botha indicated that the public was not informed enough about the public participation meetings and that in future all stakeholders should be informed timeously.

COUNCIL RESOLVED (29 MAY 2009)

1. That Council **ADOPTS** the 2009/2010 IDP Review.
2. That Council **MANDATES** the Manager IDP, to correctly align the time/year as it appears in the IDP document with the corresponding item in the budget.

A16/2009

EXECUTIVE SUMMARY OF THE 2009-2010 ANNUAL BUDGET FOR THE MATJHABENG MUNICIPALITY (6/1/1/1 – 2009/2010) (CFO)

PURPOSE

To submit to Council the annual budget for the 2009-2010 financial year.

DISCUSSIONS

The Executive Mayor congratulated President Zuma on his election as President of South Africa and Mr Ace Magashule on his election as Premier of the Free State and informed Councillors that the Budget Speech would be presented to the public on Thursday, 25 June 2009.

*** The Executive Mayor submitted a copy of the Address on the Tabling of the Budget and presented it to Council. (See Annexure A)

COUNCIL RESOLVED (29 MAY 2009)

That Council **APPROVES** the 2009/10 Annual Budget.

A17/2009

RESIGNATION OF SECTION 57 MANAGERS (5/2/2)(MM)

PURPOSE OF REPORT

To report to Council the resignation of two section 57 Managers.

DISCUSSIONS

Cllr BA Montshioa presented the item.

COUNCIL RESOLVED (29 MAY 2009)

1. That Council **ACCEPTS** the resignation of Mr MNS Moletsane and Mr T Kometsi.
2. That the filling of the posts of Chief Financial Officer and Director Corporate Support Services **BE DONE** after the restructuring process.

A18/2009

MATJHABENG LOCAL MUNICIPALITY: DRAFT COMMONAGE BY-LAWS (1/2/1) (LED)

PURPOSE

The aim of the report is to obtain Council's adoption of the Commonage Draft By-Laws for Matjhabeng Local Municipality.

DISCUSSIONS

Cllr ZA Thuthani presented the item.

COUNCIL RESOLVED (29 MAY 2009)

That the Draft Commonage By-Laws **BE ADOPTED**.

A19/2009

DRAFT COMMONAGE MANAGEMENT STRUCTURE PLAN (LED) (8/3/3/5)

PURPOSE OF REPORT

The aim of the report is to obtain Council's adoption of the Draft Commonage Management Structure Plan for Matjhabeng Local Municipality.

DISCUSSIONS

Cllr ZA Thuthani presented the item.

Cllr D Smit requested that the correctness of the size of Portion 2 of farm Saaiplaas be confirmed.

COUNCIL RESOLVED (29 MAY 2009)

That the Draft Commonage Policy and Management Structure Plan **BE ADOPTED** as the Commonage Policy and Management Structure Plan for Matjhabeng Municipality.

A20/2009

DRAFT OUTDOOR ADVERTISING AND HOARDING POLICY (COMMENTS FROM PUBLIC) (18/4/6) (EDI)

PURPOSE

To present to Council for approval outdoor advertising and hoarding policy.

DISCUSSION

Cllr BA Montshioa presented the item.

Cllr D Smit requested that the department responsible for the implementation and administration of the Outdoor Advertising and Hoarding Policy be identified and the public be informed accordingly.

COUNCIL RESOLVED (29 MAY 2009)

That the Outdoor Advertising and Hoarding Policy for Matjhabeng Municipality **BE ADOPTED AND IMPLEMENTED.**

A21/2009

SEWER NETWORK MASTER PLAN: DBSA (EDI: EP) (19/8)

PURPOSE

The purpose of the item is to inform Council about the progress on the Sewer Master Plan project.

DISCUSSIONS

Cllr NW Speelman presented the item.

COUNCIL RESOLVED (29 MAY 2009)

1. That the report on the progress on the Sewer Master Plan **BE NOTED.**
2. That an advertisement **BE PLACED** for the appointment of a service provider to compile a Sewer Master Plan.

A22/2009

REPORT ON PORTIONS OF MUNICIPAL LAND AS WELL AS PROPERTIES AVAILABLE FOR DISPOSAL (8/1/1) (SNR MANAGER TP AND HOUSING)

PURPOSE

To present before the Council portions of land as well as properties owned by Council with the intention of advertising it for public bidding.

DISCUSSIONS

The Executive Mayor presented the following portions of municipal land and properties available for disposal:

Remainder of Erf 8835 Extension 17
 Subdivision 1 of Erf 8835 Extension 17
 Subdivision 2 of Erf 8835 Extension 17
 Subdivision 2 of Erf 8836 Extension 17
 Subdivision 3 of Erf 8836 Extension 17
 Subdivision 4 of Erf 8836 Extension 17
 Subdivision 5 of Erf 8836 Extension 17
 Remainder of Erf 8836 Extension 17
 Vooruitgang 52
 Subdivision 6 of Erf 165 Central Business Area
 Remainder of Erf 693, St Helena
 Subdivision 2 of Erf 693
 Erf 206 Central Business Area
 Erf 8298 Jan Cilliers Park
 Erf 8165 Extension 14
 Subdivision 3 of Erf 1355, Virginia
 Subdivision 3 of Erf 1355, Virginia
 Erven 4309 Thabong (residential)
 2062 Phomolong former Community Hall
 2057 Phomolong Bottle Store
 6245 Harrison Street Welkom
 1098 Subdivision 1, Kutlwanong
 19144 Subdivision 6, Thabong

CLlr BA Montshioa requested that the following sites be withdrawn from the list until further investigation:

Subdivisions 3 of 1355, Virginia due to the difference in size.
 4309 Thabong.
 2062 Phomolong – former community hall.

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COUNCIL RESOLVED (29 MAY 2009)

1. That the Municipal Manager **BE MANDATED** to advertise and sell the above-mentioned properties through competitive bidding.
2. That erf 4309, Thabong **BE REPOSSESSED** in terms of Section 118 of Ordinance No 8 of 1962 and thereafter **BE ADVERTISED**.

A23/2009

APPLICATION FOR THE REDUCTION OF PURCHASE PRICE OVER SITE 1455 RIEBEECKSTAD – MR LL MOKOENA (8/3/2/6) (TP & HOUSING)

PURPOSE

To submit before Council an application by Mr Levy Lefa Mokoena to have the R10 000 over purchase of residential site 1455 Riebeeckstad written off.

DISCUSSIONS

Cllr MSE Mfebe presented the item.

Cllr JH Edeling requested that this matter be treated as a once off incident.

Cllr PF Botha indicated that the selling of the stand in question was not approved by Council.

The Executive Mayor requested that the Municipal Manager should interact with National Treasury with regard to clarity on the interpretation of the MFMA on the selling of Council Assets.

COUNCIL RESOLVED (29 MAY 2009)

That the selling price of Erf 1455, Riebeeckstad **BE REDUCED** to R43 083,00.

A24/2009

VALUATION PROGRESS REPORT 2009/2010 FINANCIAL YEAR (MM) (6/22/2/1)

PURPOSE

To submit to Council a progress report regarding application to MEC for condonation in terms of section 80 of Municipal Property Rates Act of non-implementation of the new valuation roll and the steps taken so far to review the contract between the Municipality and KOTH Property Consultants.

DICUSSIONS

Cllr MSE Mfebe presented the item.

Cllr DC Smit indicated that the two letters written to the office of the MEC for Local Government & Housing, from the Executive Mayor to the MEC and another from the Municipal Manager to the HOD as well as the HOD's response declining the application based on certain interpretations of the act which Council doesn't agree with were not attached.

Furthermore the letter sent to KOTH Property Consultants terminating their services with immediate effect was also not attached.

The Municipal Manager gave feedback (**Tape inaudible**).

COUNCIL RESOLVED (29 MAY 2009)

1. That the termination of contract between the Municipality and KOTH Property Consultants **BE NOTED**.
2. That the process of Requesting for Proposals from interested service providers **BE NOTED**.
3. That the responses from the Head – Department of Local Government & Housing in Free State **BE NOTED**.
4. That an urgent meeting **BE CONVENED** between the Executive Mayor and the new MEC to reach consensus on the matter failing which same must be escalated to the Premier.
5. That it **BE NOTED** that the process of designing the new valuation has started.

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A25/2009

REPORT BACK: NORTHERN FREE STATE STADIUM - GRIFFONS RUGBY CLUB (10/1/1/2) (MC)

PURPOSE

To submit to Council a report on the discussions with Griffons Rugby Club with regard to the management of the Northern Free State Stadium.

DISCUSSIONS

Cllr TW Dlova presented the item.

COUNCIL RESOLVED (29 MAY 2009)

1. That the report on the envisaged management of the Northern Free State Stadium **BE NOTED.**
2. That an inventory of all assets at the stadium **BE COMPILED.**
3. That a comprehensive plan to upgrade the Northern Free State Stadium **BE COMPILED.**

A26/2009

MUNICIPAL INFRASTRUCTURAL GRANT (MIG) PROJECTS PROGRESS REPORT FOR THE PERIOD ENDING APRIL 2009 (PMU) (MM) (3/3/27)

PURPOSE

The purpose is to submit a report on the status of the MIG Projects to Council as well as to submit expenditure of MIG funds for the year to date for consideration.

DISCUSSIONS

Cllr NW Speelman presented the item.

COUNCIL RESOLVED (29 MAY 2009)

That the progress report on MIG Projects for the period ending April 2009 **BE NOTED.**

A27/2009

PROPOSED WRITE OFF OF LONG OUTSTANDING DEBT (150 DAYS AND ABOVE) (ACFO)

PURPOSE

To submit to Council the proposed writing off of long outstanding debt (150 days and above).

DISCUSSIONS

Cllr AP Kotzee presented the item.

COUNCIL RESOLVED (29 MAY 2009)

That the matter **BE REFERRED BACK** to allow for a detailed summary on the amount of R766 611 765,31.

A28/2009

REPORT OF THE OVERSIGHT COMMITTEE (3/1/3/4)

PURPOSE

To report to Council the findings of the Oversight 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

Cllr MP Motshabi presented the item.

COUNCIL RESOLVED (29 MAY 2009)

1. That Council, having fully considered the annual report, **ADOPTS** the oversight report without reservations.
2. That the recommendations contained in the oversight report **BE ATTENDED TO** by management.
3. That a quarterly report **BE SUBMITTED** to Council on the execution of the recommendations by management.
4. That an Audit Committee **BE APPOINTED** as soon as possible.

A29/2009

RESPONSE TO CLLR BOTHA ON QUESTIONS TO BE POSED BEFORE COUNCIL REGARDING SALE OF MUNICIPAL LAND AND PROPERTIES (MM)

PURPOSE

To present before the Council a response to Councillor PF Botha on questions regarding sale of municipal land and properties.

COUNCIL RESOLVED (29 MAY 2009)

That Council **TAKES NOTE** of the response on questions raised by Cllr PF Botha on sale of municipal land and properties.