

MINUTES

OF THE

**3RD ORDINARY MEETING
FOR THE YEAR 2002**

of

MATJHABENG MUNICIPALITY

held on

TUESDAY 26 MARCH 2002

at

16:00

I

**MINUTES OF THE 3RD ORDINARY MEETING FOR THE YEAR 2002 OF
THE MATJHABENG MUNICIPALITY HELD ON TUESDAY, 26 MARCH 2002 AT
16:00**

PRESENT

OFFICIALS

Mr. RSB Sesele	–	Municipal Manager
Mr. B Molatseli	–	Executive Manager : Corporate Services
Mr. SB Mhlambi	–	Executive Manager : Legal Services
Mr. SP Makhasi	–	Executive Manager : Human Resources
Mr. R Spies	–	Corporate Executive Manager : Engineering Services
Ms. EJA van Tonder	–	Corporate Executive Manager : Financial Management
Mr. V Adonis	–	Corporate Executive Manager Community Services and Social Development
Mr. JG Maritz	–	Corporate Services

EXECUTIVE MAYOR

Clr Leeuw SJ	–	Executive Mayor
--------------	---	-----------------

ACTING SPEAKER

Clr Dlova TW

MEMBERS OF MAYORAL COMMITTEE

Councillors:

Menong KS	–	Human Resources
Ramaisa KA	–	Public Safety and Transport
Montshioa BA	–	Economic Development and Spatial Planning
Thoabala TE	–	Community Services and Social Development
Tladi RE	–	Corporate Services
Tshabangu SE	–	Financial Management
Thuthani ZA	–	Engineering Services

WARD COUNCILLORS

Councillors :

Ward :

Baaitjies M	11
Bothma B	36
Dassie YS	16
Dlamini SC	21
Du Toit JJB	34
Edeling JH	3
James TH	23
Khalipha TD	17



Louw ML	32
Mfebe MSE	10
Mhlaba N	30
Manzana NR	35
Masienyane MD	8
Masoka NL	25
Mogole RR	5
Mohloli PP	4
Mokoena ME	7
Mokolutlo LA	18
Mosala MS	14
Nakwa TA	13
Radebe LLF	31
Ramojela JN	15
Rubulana L	12
Seboholi CP	19
Smit DC	9
Taliwe FE	28
Tsatsa SJ	26
Tsoene TD	20

PROPORTIONAL LIST COUNCILLORS

Councillors :

Alexander RR
Bengu VV
Dali VN
Fourie JJC
Ikaneng MI
Kotzee D
Kujoana MA
Mafantire JM
Maqena AM
Majoe TS
Mashinini NL
Matosa AN
Mbana MM
Mokhathi PE
Motshabi MP
Neumann VH
Ntsala MM
Radebe ML
Segalo SS
Sephiri MJ
Styger A
Vanga M



1. OPENING

The Municipal Manager welcomed Councillors, officials, media and members of the public present.

He explained that in terms Section 23(2) of the Standard Rules and Orders of Council as amended, the Speaker has applied for leave of absence and therefore an Acting Speaker had to be nominated to preside over the meeting.

Clr TW Dlova was unanimously nominated and presided over the meeting as the Acting Speaker.

The Acting Speaker welcomed Pastors D Howard and AM Motswenyane, who opened the meeting with Scripture reading and prayer.

2. APPLICATION FOR LEAVE OF ABSENCE

WRITTEN APOLOGIES

COUNCILLORS :

DESIGNATION

Matsepe TV	Speaker
Chao MK	Housing Development and Environmental Care
Van Rooyen HC	Ward Councillor
Olivier JJ	Proportional Councillor
Auret IH	Proportional Councillor
Marais Dr JS	Proportional Councillor
Tihone ML	Proportional Councillor
Ngangelizwe S	Ward Councillor
Matlabe MMT	Ward Councillor
Mabuya FF	Ward Councillor

3. ABSENT WITHOUT LEAVE

Councillors :

Ward :

Matsbukanye MM	1
Liphoko SJ	6
Mafongosi VZ	Proportional Councillor

4. OFFICIAL ANNOUNCEMENTS OF THE SPEAKER

4.1 The Acting Speaker welcomed the Executive Mayor back to Matjhabeng and congratulated the Executive Mayor, Honourable Clr SJ Leeuw, for being part of the Commonwealth Observer Mission to the Zimbabwe elections.

4.2 The Acting Speaker furthermore expressed his gratitude towards Clr ZA Thuthani for making himself available as the Acting Executive Mayor.

IV

- 4.3 Clr TE Thoabala was welcomed back after forming part of the Free State Provincial Government delegation to Liverpool in the United Kingdom.
- 4.4 The Acting Speaker then stated that the Municipal Manager has only received the names of 19 Councillors who want to have the remote controls for official parking when attending Council meetings.

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

Item A12/2002 was handled firstly.

Councillor JM Mafantire, Chief Whip of the ANC, led the discussion on the matter. She stated that on behalf of the ANC, she apologised for any inconvenience caused regarding the differences that existed between Clr DC Smit and Clr NL Mashinini, as well as any inconvenience caused to the members of Ward 9.

She stated that the public apology was done in the name of good governance and teamwork to the benefit of the Matjhabeng Community.

Clr DC Smit unconditionally accepted the apology and the matter was **resolved** amicably.

6. **APPLICATIONS AND APPEALS FROM COUNCILLORS IN TERMS OF RULES 14(1), 67 AND 72**

None

7. **REPORTS RECEIVED FROM THE SPEAKER**

None

8. **MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER**

None

9. **MOTIONS OF SYMPATHY AND CONGRATULATIONS FROM OTHER MEMBERS**

CONGRATULATIONS

Clr BA Montshioa congratulated the ANC Party for holding a successful Regional Conference the previous weekend and stated that Mr Benedict Ngesi was elected as Chairperson of the region.

It was the hope of the Conference that hard work and co-operation will lead to visible progress in the delivery of services to the community of Matjhabeng.

V

- ¶ A motion of congratulations towards the Executive Mayor for being part of the successful observation delegation to the Zimbabwe election and his safe return was delivered; and
- ¶ A motion of congratulations towards President R Mugabe for being successfully re-elected and achieving a free and fair elections in Zimbabwe was delivered.

SYMPATHY

Clr TD Tsoene conveyed his sympathy towards the Acting Speaker for the sudden death of his nephew, who tragically died in a car accident the past weekend.

Clr DC Smit expressed a motion of sympathy towards the passing away of Mr Letsoisa who had contested the local government elections against him in the past.

Clr TS Majoe expressed the following motions:

- ¶ A motion of sympathy towards the Acting Speaker's family with their tragic loss.

The Acting Speaker reminded Councillors that wherever possible a motion of sympathy and/or congratulations needed to be submitted to the Office of the Speaker in advance for perusal and approval to be announced during the meeting.

10. DEPUTATIONS AND INTERVIEWS

None

11. DISCLOSURE OF INTEREST

None

12. MINUTES OF THE PREVIOUS MEETING

Clr MP Motshabi stated that in terms of his viewpoint the minutes regarding the heading of paragraph 14.2 of the previous minutes was incorrect as certain information as expressed by Clr TD Tsoene was not reflected in the wording.

Clr TD Tsoene stated that according to him the minutes were a true reflection of the proceedings but that Clr MP Motshabi wanted to read more into it than what was minuted.

VI

IT WAS RESOLVED BY COUNCIL : (26 MARCH 2002)

That the minutes of the meeting held on 26 February 2002 were a true reflection and were **APPROVED AND CONFIRMED** with the following amendments:

Page I, Heading : "Ward Committee members" must read "Ward Councillors".

Page III, par. 3 : Clr MSE Mfebe did submit an application for leave of absence and wanted her name to be reflected under par. 2, "Applications for leave of absence".

13. MATTERS ARISING FROM THE MINUTES

Clr DC Smit stated that although he had received a letter containing answers to his questions raised under paragraphs 14.1.1 to 14.1.10, pages V to VII, of the previous minutes, he was not entirely satisfied as detailed information was required. He stated that he was not criticizing, but merely required more information with specific reference towards certain issues.

He raised the following issues and stated that the following be noted :

Par. 14.1.1 : Council should act now on the issue of the needs of rural communities within the area of jurisdiction of Council and not after the budget is approved. Council should be pro-active.

Par. 14.1.2 He needed detailed pro-active action of the Parks department regarding the issues raised of the Virginia - suburb.

Par. 14.1.3 Why was the ward information not available regarding the financial reporting ? According to his investigations a program was written for Turbo Munex, but it was not installed and used. Does this mean that officials were not performing their duties ? He needed clarity on the matter.

Par. 14.1.4 Concerns that after a Section 80 - Committee has referred a matter to the Mayoral Committee, members only see the results thereof when the Mayoral Committee report is tabled. He stated that he was not criticizing but merely stating that a communication gap existed and should be addressed.

Par. 14.1.5 Although the response stated the matter would be sorted out, no clear indication was given how it would be done.

Par. 14.1.6 Response accepted.

Par. 14.1.7 Response accepted.

VII

Par. 14.1.8 Response accepted, but after receipt of a copy of the contract from Legal Services he will peruse it in his own time.

Par. 14.1.9 Response accepted.

Par. 14.1.10 Response accepted that a detailed report would be submitted during April 2002. He stated that he needed assurance that no further payments were made to TAF since the Mayoral Committee meeting's decision that the contract should be terminated. He took it for granted that since no response was made, his assumption of no further payment was correct.

He expressed his gratitude towards the Municipal Manager for responding within a short period of time, despite a hectic schedule, namely interviews of appointments for certain posts in the Council.

14. QUESTIONS OF WHICH NOTICE WAS GIVEN

None

15. REPORTS OF THE EXECUTIVE MAYOR AND COMMITTEES

Before the Executive Mayor presented his report, he made a brief statement regarding his involvement in the Commonwealth Observer Mission to the Zimbabwe elections.

The Executive Mayor expressed his gratitude and thanked the Matjhabeng Municipality for having allowed him to be part of the Commonwealth Observer Mission to the elections in Zimbabwe.

He conveyed the same gratitude towards SALGA for nominating him to form part of such a delegation.

16. REPORTS OF DECISIONS TAKEN UNDER DELEGATED POWERS

The Executive Mayor stated that the current format of reporting on issues dealt with by the Mayoral Committee should change within the next month and that it would be hopefully a format that allows all interested parties to easily grasp the *modus operandus* and decisions taken by the said committee.

17. MOTIONS

None

1

A9/2002

BUDGET 2001/2002 (6/1/2/1) (CEMFS) (P 1 : ANNEXURES 1 – 3)

The Executive Mayor stated that although the letter was dated 27 November 2001, Council only received it recently on 3 December 2001. The delay was on the side of the National Department concerned.

He furthermore stated that officially the Council's budget was approved and hopefully the communication between local governments and the National Department of Finance would improve in future.

IT WAS RESOLVED BY COUNCIL : (26 MARCH 2002)

1. That the submission of Council's Budget to the National Treasury **SHOULD BE DONE IMMEDIATELY** after Council approved same.
2. That quarterly reports **BE SUBMITTED** to the Financial Management Section 80 - Committee during the months of January, April, July and October after approval of the Budget, in accordance with point 8 of the letter received from the National Treasury that stipulates as follows :

“ The operating expenditure limit determined in paragraph 2, is subject to the Council reporting on a quarterly basis commencing on 31 December 2001, on the actual income collected compared to the budgeted income, as well as the operating expenditure incurred at that point in time, to the National Treasury. Should trends reflect a negative outcome then your Council is requested to adopt a revised budget that takes cognisance of the reduction in income collected.”

A10/2002

MONTHLY FINANCIAL REPORT (12/1/2/3) (CEMFS) (P 2 : ANNEXURES P 4 – 8)

Clr DC Smit, supported by Clr NL Masoka, stated that the figures reflected in the annexures of the said item (Annexures A – C) were incorrect, therefore they could not be accepted. The item should be referred back and presented at the next meeting, e.g. arrears amounts of current debtors are incorrect, etc.

The Corporate Executive Manager : Financial Management agreed that the figures appeared incorrect and she would investigate the matter and report back at the next meeting.

IT WAS RESOLVED BY COUNCIL : (26 MARCH 2002)

1. That the financial monthly report **BE SUBMITTED** to Council on a monthly basis, even if it is not submitted in time to the Financial Management Section 80 - Committee.
2. That the following matters **BE ADDRESSED** in the report :

2

- a) Three months progress report.
 - b) Percentage payment per month received on current accounts.
 - c) Percentage payment received on payment of arrears.
 - d) Report be submitted on steps taken in recovering of monies, e.g. cut-offs.
 - e) That the over-expenditure on page 298 of the Agenda to the amount of (R145 078) be explained taking all the suburbs into consideration.
 - f) That the monthly expenditure for Odendaalsrus and Allanridge to the amount of R560 000 and R125 583 in respect of contracts as per page 301 of the Annexures be explained.
 - g) That the Corporate Executive Manager : Financial Management be requested to submit a report regarding the computer system and the steps taken to reduce the Council's accrued debt, and
3. The financial report as set out in Annexures A, B, C in pages 4 to 8, **NOT BE ACCEPTED AND BE REFERRED** back to the Corporate Executive Manager: Financial Management for investigation and submission of the correct report to Council at the next meeting.

A11/2002

LEJWELEPUTSWA DISTRICT MUNICIPALITY : PLANNING, IMPLEMENTATION AND MANAGEMENT SUPPORT CENTRE (PIMSS – CENTRE) : INTEGRATED DEVELOPMENT PLANNING PROCESS (15/2/1/28) (MM) (P 3 : ANNEXURES P 9 – 31)

Clr JH Edeling requested that the IDP meetings be communicated to Ward Councillors timeously and the issue of travelling allowances for Ward Committee members to attend such meetings be investigated by Council.

IT IS RESOLVED BY COUNCIL : (26 MARCH 2002)

1. That the Council **TAKE** note of the item.
2. That the issue of travelling allowance for Ward Committee members to attend IDP meetings **BE REFERRED** to the Chairperson's Committee meeting for discussion.

A12/2002

REPORT OF THE SPEAKER IN TERMS OF SECTION 99 OF THE RULES ON THE COMPLAINT OF COUNCILLORS SMIT AND MASHININI (3/8/1/1) (SPEAKER) (P 4 : ANNEXURES P 32 – 41)

IT WAS RESOLVED BY COUNCIL : (26 MARCH 2002)

This item was dealt with under part 4, Reports of the Speaker, in terms of Rules 15(1) and 99(4).

3

A13/2002

SPECIAL COMMITTEE : INVESTIGATION INTO ALLEGATIONS LEVELLED AGAINST COUNCILLOR M.P. MOTSHABI OF THE UNITED DEMOCRATIC PARTY (UDM) : PROGRESS REPORT (3/1/4/1) (MM) (P 10)

Clr MP Motshabi recused himself from the proceedings whilst the matter was debated.

After a thorough deliberation it was **RESOLVED : (26 MARCH 2002)**

1. That Council **TAKES NOTE** of the contents of the progress report of the Special Committee constituted in terms of item 14(1) (b) of Schedule 5 of the Local Government : Municipal Structures Act, 1998, Act number 117 of 1998 to investigate the allegations levelled against Councillor M.P. Motshabi of the UDM political party.
2. That **IT BE NOTED** that the investigation of the abovementioned matter as mentioned in paragraph 1 above, is still continuing and that a comprehensive report **WILL BE SUBMITTED** to Council during April 2002.
3. That, should the Investigation Team find *prima facie* evidence, implicating Clr MP Motshabi in the illegal reconnection of water, the Council **SHOULD ACT** in terms of Item 14(2) of the Code of Conduct as mentioned in Schedule 5 of the Municipal Structures Act, No 117 of 1998.
4. That legal action **BE TAKEN** against those people who have illegally reconnected their water and the Engineering Services Department **BE INSTRUCTED TO DEAL** with the culprits in terms of Council policies and procedures.

Clr TS Majoe's objection to the addition of paragraph 3 that above, "**should the Investigation Team find *prima facie* evidence, implicating Clr MP Motshabi in the illegal reconnection of water**" be noted.

A14/2002

REPORT ON DECISIONS TAKEN UNDER DELEGATED POWERS (3/1/2) (MM) (EXECUTIVE MAYOR'S REPORT PAGE 1 – 181)

IT IS RESOLVED BY COUNCIL : (26 MARCH 2002)

1. That the reports as presented in MC27/2002 to MC85/2002 as they appear on the Annexures marked **Executive Mayor's report**, taken by the Executive Mayor under delegated powers, **BE APPROVED AND CONFIRMED.**

4

2. That the Management Committee **INVESTIGATE** ways and means on how to present a user-friendly format whereby the monthly report of the Mayoral Committee could be presented to Council and **IT BE IMPLEMENTED** as from the next meeting. Councillors were invited to make suggestions on how to improve the current format of the items.

18. CLOSURE

The Acting Speaker thanked all members for their fruitful participation and terminated the meeting at **17:25**.

.....
DATE

.....
TW DLOVA (ACTING SPEAKER)

INDEX

ITEM NO	ITEM	PAGE
A9/2002	BUDGET 2001/2002 (6/1/2/1) (CEMFS)	1
A10/2002	MONTHLY FINANCIAL REPORT (12/1/2/3) (CEMFS)	1
A11/2002	LEJWELEPUTSWA DISTRICT MUNICIPALITY : PLANNING, IMPLEMENTATION AND MANAGEMENT SUPPORT CENTRE (PIMSS – CENTRE) : INTEGRATED DEVELOPMENT PLANNING PROCESS (15/2/1/28) (MM)	2
A12/2002	REPORT OF THE SPEAKER IN TERMS OF SECTION 99 OF THE RULES ON THE COMPLAINT OF COUNCILLORS SMIT AND MASHININI (3/8/1/1) (SPEAKER)	2
A13/2002	SPECIAL COMMITTEE : INVESTIGATION INTO ALLEGATIONS LEVELLED AGAINST COUNCILLOR M.P. MOTSHABI OF THE UNITED DEMOCRATIC PARTY (UDM) : PROGRESS REPORT (3/1/4/1) (MM)	3
A14/2002	REPORT ON DECISIONS TAKEN UNDER DELEGATED POWERS (3/1/2) (MM)	3