

MINUTES

of the

**4th ORDINARY COUNCIL MEETING
FOR THE YEAR 2013**

of

MATJHABENG MUNICIPALITY

held on

THURSDAY, 4 JULY 2013

at

15:00

**COUNCILLORS ATTENDANCE: 4th ORDINARY COUNCIL MEETING
MINUTES: 4 JULY 2013**

ANC

PROPORTIONAL			
1.	Ngangelizwe S (Executive Mayor)	12.	Radebe MC (Written Apology)
2.	Chaka CP	13.	Radebe ML (Written Apology)
3.	Kotzee D	14.	Rubulana L
4.	Mafa DM (Absent)	15.	Sephiri MJ
5.	Mafongosi ZV	16.	Speelman NW
6.	Mbana MA	17.	Stofile B (Speaker)
7.	Menyatso KJ (Written Apology)	18.	Tihone ML
8.	Semela MJ	19.	Tsubane ME (Written Apology)
9.	Motshabi MP	20.	Twanana M
10.	Ntsebeng MH	21.	Vanga NM
11.	Petleki KI (Written Apology)	22.	Van Rooyen KV
WARD			
23.	Dali VN	38.	Morris VR
24.	Khalipha TD	39.	Mosala MS
25.	Mabote TL	40.	Mothege MA
26.	Madumise MM (Written Apology)	41.	Mphikeleli MA
27.	Makgowe PV	42.	Ntlele KI
28.	Masienyane MD	43.	Phetise ME
29.	Mbambo AX	44.	Qweshla GL
30.	Mfebe MSE	45.	Riet MI
31.	Mokausi LC	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 (Absent)
36.	Molupe RT	51.	Tsatsa SJ (Absent)
37.	Monjovo NE	52.	Tsubella KS

DA

PROPORTIONAL			
53.	Banyane ME	58.	Marais JS (Written Apology)
54.	Badenhorst MJ (Written Apology)	59.	Mholo PP
55.	Botha PF	60.	Mlangeni MG
56.	Fanie D (Written Apology)	61.	Mokotedi TG
57.	Fourie JJC (Written Apology)	62.	Styger A (Written Apology)
WARD			
63.	De Villiers MT	66.	Smit DC
64.	Beneke R (Written Apology)	67.	Van Rooyen MS(Written Apology)
65.	Naude HJ(Written Apology)	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 S Makhubu	:	Acting Municipal Manager
Mr MF Lepheana	:	Executive Director Corporate Support Services
Mr M Besani	:	Executive Director Infrastructure
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 at the 4th Ordinary Council meeting 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

Cllr PP Mholo conveyed best wishes for recovery to Mr. Nelson Mandela's family. Best wishes for recovery were conveyed to Cllr KI Petleki.

5. DISCLOSURE OF INTEREST

None

6. DEPUTATIONS AND INTERVIEWS

None

7. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

None

8. MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLVED (4 JULY 2013)

8.1 That the minutes of the 1st session of the 3rd Ordinary Council meeting held on 28 May 2013 **BE APPROVED**.

8.2 That the minutes of the 2nd session of the 3rd Ordinary Council meeting held on 29 May 2013 **BE APPROVED** in conjunction with the following amendments:

- (a) **Attendance Register** - that it be indicated that Cllrs HA Mokhomo apologized for not being able to attend the meeting

IV

- (b) **A30/2013**

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

COUNCIL RESOLVED (4 July 2013)

That paragraph 6 of the Council's resolution be corrected to read as follows:

That MPAC as a Committee of Council **INVESTIGATE** the possibility of recovering of 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.

- (c) **A54/2013**

IMPLEMENTATION OF PHASE 2 ON THE DEVELOPMENT OF KYOTO HOUSING PROJECT (20/14/4/3) (SM TP & HS)

COUNCIL RESOLVED (4 JULY 2013)

That paragraph 3 of the recommendation be corrected to read as follows:

3. That the MMC Housing **BE THE CHAIRPERSON** of the Committee.

9. MATTERS ARISING FROM THE MINUTES

29 MAY 2013

- (a) **C2/2013**

APPOINTMENT OF EXECUTIVE DIRECTOR CORPORATE SERVICES (MM) (5/3/2/1)

Councillor PF Botha requested that it be indicated if the Municipal Manager approached National Treasury for the delay of the applicability of the minimum competency to a person who does not have the minimum competency in accordance to the MFMA circular 60 or cause that there should be a process of the determining the recognition of prior learning of candidate.

The Executive Mayor indicated that Cllr P Botha can address the question to the Municipal Manager as he is absent. He also indicated that he submitted a letter to National Treasury regarding this matter.

V

MATTERS ARISING FROM THE MINUTES

26 MARCH 2013

Outstanding Items:

9.1 MPAC report on unauthorized, fruitless, wasteful and irregular expenditure:

Cllr MP Motshabi indicated that the report was delayed as he was on a course for the whole of June 2013.

9.2 Agreement between Matjhabeng Municipality and Griffons Rugby Union:

The Speaker indicated that he listened to the recordings of that meeting and that a report will be submitted at the next Council Meeting.

A49/2013

RESIGNATION OF THE AUDIT COMMITTEE CHAIRPERSON (OFFICE OF THE SPEAKER) (6/12/3/1)

Cllr PP Mholo requested to be informed when the report of the Executive Mayor to investigate the reasons that propelled the Audit Committee Chairperson to resign would be submitted to Council.

The Executive Mayor indicated that he wrote a letter to the former Chairperson of the Audit Committee to obtain an exit report.

A report on this matter would be submitted to Council as soon as finalized.

A50/2013

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

Cllr MG Mlangeni requested to know why the report on legal fees was not on the Agenda.

The Executive Mayor requested Councillors that should they need specific information on the Section 71 report, a request must be forwarded through the Office of the Municipal Manager, in order for Finance to include information requested as explanatory notes to the Section 71 report.

Cllr DC Smith indicated that he is not satisfied on Council resolutions not carried out.

COUNCIL RESOLVED (4 JULY 2013)

That the Executive Mayor **BE MANDATED** to investigate and report back at the next Council meeting on all outstanding resolution not carried out.

10. FORMAL SIGNING OF MINUTES

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

VI

SECTION B

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

A71/2013 – A72/2013

12. REPORTS OF THE EXECUTIVE MAYOR

A73/2013 – A84/2013 and C4/2013

14. MOTIONS

None.

15. CLOSING REMARKS

The Executive Mayor indicated that the Department of Labour was going to assist the Municipality to register unemployed people to try to create job opportunities. According to Stats South Africa the unemployment rate is 37%. Information would be communicated to Ward Councillors on the process to register unemployed people.

16. CLOSURE

The Speaker ended the meeting at **18:00**.

.....
CLLR B STOFIE (SPEAKER)

.....
DATE

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Council unanimously appointed Cllr ZV Mafongosi to chair the meeting in order to enable the Speaker to present his items.

A71/2013

WARD COMMITTEES AND PUBLIC PARTICIPATION QUARTERLY REPORT TO COUNCIL (OFFICE OF THE SPEAKER) (3/8/1/1)

PURPOSE

To present the report to Council for discussions and noting.

DISCUSSIONS

The Speaker presented the Item to Council.

COUNCIL RESOLVED (4 JULY 2013)

1. That Council **TAKES NOTE** of the third quarterly report of the 2013 financial year.

A72/2013

SCHEDULE OF MEETINGS OF COUNCIL AND COUNCIL COMMITTEES FOR JULY 2013 TO JUNE 2014 (AMCA) (3/1/3/2)

PURPOSE OF REPORT

To submit the proposed schedule for Council and Section 79 Committee meetings to the Council.

DISCUSSIONS

The Speaker presented the item to Council.

COUNCIL RESOLVED (4 JULY 2013)

That Council **TAKES NOTE** of the scheduled Council meetings for 2013/2014.

The Speaker resumed his position

A73/2013

APPROVAL OF THE BANKING FACILITIES AND OVERDRAFT OFFERED BY ABSA BANK LIMITED (ACFO)

PURPOSE

To request approval for the banking facilities and overdraft offered by ABSA Bank Limited.

DISCUSSIONS

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED (4 JULY 2013)

That Council **APPROVES** the banking facilities and overdraft facilities of **R10 000 000** for the 2013/14 financial year commencing 1 July 2013 to 30 June 2014.

A74/2013

SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN FOR 2013/14 FINANCIAL YEAR (EDSSS) (6/1/1/1 2013/14)

PURPOSE

The purpose of this item is to submit Service Delivery and Budget Implementation Plan for 2013/14 Financial Year for the Executive Mayor's approval.

DISCUSSIONS

The Executive Mayor presented the item to Council and indicated that the attached report on the Separate Cover was not up to standard and requested that the item be withdrawn, corrected and re-submitted to Council.

COUNCIL RESOLVED (4 JULY 2013)

That the item **BE WITHDRAWN** from the Agenda.

A75/2013

THE IMPLEMENTATION OF THE CREATION OF SUSTAINABLE ENTERPRISES AND GREEN ECONOMY PROJECTS THROUGH THE NATIONAL DEPARTMENT OF ENVIRONMENTAL AFFAIRS : ENVIRONMENTAL PROTECTION AND INFRASTRUCTURE PROGRAMME / EPWP IN THE MATJHABENG AREA (LED AND PLANNING) (18/2/1)

PURPOSE OF REPORT

To solicit the support of Council for the submission of the funding application to the National Department of Environmental Affairs as well as request a resolution by Council to support the creation of sustainable enterprises and green economy projects as a potential economic development catalyst in Matjhabeng LM and to support further actions by Harmony and other Companies to establish related manufacturing industry in Matjhabeng LM.

DISCUSSIONS

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED (4 JULY 2013)

1. That Council in principle **APPROVED** that it will assist the project by making land, engineering infrastructure and incentives available to the project.
2. That the Municipal Manager **BE AUTHORIZED** to conclude the implementation agreement upon the approval of the application.

A76/2013

APPLICATION FOR THE RELAXATION OF THE PARKING REQUIREMENTS AT THE GOLDFIELDS MALL: SUBDIVISION 3 OF ERF 8, CENTRAL BUSINESS AREA, WELKOM (20/2/1/4/1/1) (ED LED & PLANNING)

PURPOSE OF REPORT

To obtain Council's approval for the relaxation of the parking requirements at the Goldfields Mall (GFM) situated on Subdivision 3 of Erf 8, Central Business Area, Welkom.

DISCUSSIONS

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED (4 JULY 2013)

1. That the application for the relaxation of the parking requirements on Subdivision 3 of Erf 8, Central Business Area, Welkom (Gold Fields Mall) **BE APPROVED** in terms of Clause 27 (c) of the Welkom Town Planning Scheme No 1 of 1980, subject to the following conditions:
 - a) Building plans for the proposed alterations and extensions **MUST BE SUBMITTED** to the Matjhabeng Municipality for approval.
 - b) All the stipulations of the Welkom Town Planning Scheme No 1/1980 **MUST BE ADHERED** to.
 - c) The relaxation **IS ONLY** for 127 parking bays.
 - d) The relaxation **SHALL ONLY** be applicable if McDonalds and Dischem establish in the Goldfields Mall.
2. That the Municipal Manager and the developer **TO CONCLUDE** an agreement to the development of parking opposite Procor Building for use by officials and members of Public.

A77/2013

APPLICATION TO REZONE SUBDIVISION 4 ERF 911, FLAMINGO PARK, WELKOM FROM RESIDENTIAL SPECIAL TO RESIDENTIAL MEDIUM AS WELL AS FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS (ED LED & PLANNING)

PURPOSE OF REPORT

To obtain Council's favourable recommendation for the approval of the application by the Free State Provincial Government.

DISCUSSIONS

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED (4 JULY 2013)

That the application for the rezoning of Subdivision 4 Erf 911, Flamingo Park, Welkom from "Special Residential" to "Residential Medium" and the removal of restrictive title conditions D (a) to (f) in Deed of Transfer T11089/2012 **BE RECOMMENDED** for approval by the Free State Provincial Government, subject to the following conditions:

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- a) Building plans for the proposed alterations to the existing building **MUST BE SUBMITTED** to the Matjhabeng Municipality for approval.
- b) All the stipulations of the Welkom Town Planning Scheme No 1/1980 **MUST BE ADHERED** to.
- c) Parking **MUST BE PROVIDED** on the erf as required by the Welkom Town Planning Scheme No 1/1980.
- d) Entrance to and exit from the erven **SHALL BE** planned and constructed in consultation with and to the satisfaction of the Director Infrastructure Services.
- e) The provision / upgrading of any services **SHALL BE DONE** by the applicant at his cost, to the satisfaction of the Director Infrastructure Services.

A78/2013

**APPLICATION TO REZONE SUBDIVISION 5 ERF 6890, EXTENSION 10
WELKOM FROM RESIDENTIAL SPECIAL TO RESIDENTIAL MEDIUM AS
WELL AS FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS (ED
LED & PLANNING)**

PURPOSE OF REPORT

To obtain Council's favourable recommendation for the approval of the application by the Free State Provincial Government.

DISCUSSIONS

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED (4 JULY 2013)

That the application for the rezoning of Subdivision 5 Erf 6890, Extension 10 Welkom from "Special Residential" to "Residential Medium" and the removal of restrictive title conditions D (i), and (iii) in Deed of Transfer T24707/2006 **BE RECOMMENDED** for approval by the Free State Provincial Government, subject to the following conditions:

- a) Building plans for the proposed alterations to the existing building **MUST BE SUBMITTED** to the Matjhabeng Municipality for approval.
- b) All the stipulations of the Welkom Town Planning Scheme No 1/1980 **MUST BE ADHERED TO**.
- c) Parking **MUST BE PROVIDED** on the erf as required by the Welkom Town Planning Scheme No 1/1980.

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- d) Entrance to and exit from the erven **SHALL BE PLANNED AND CONSTRUCTED** in consultation with and to the satisfaction of the Director Infrastructure Services.
- e) The provision / upgrading of any services **SHALL BE DONE** by the applicant at his cost, to the satisfaction of the Director infrastructure Services.

A79/2013

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

PURPOSE

To solicit the approval of Council to dispose the land portions as provided in the table below.

DISCUSSIONS

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED (4 JULY 2013)

1. That Council **APPROVES** land portions enlisted in the table above be disposed as they are not required to provide municipal services, **excluding** the stand numbers depicted on page 32 and 33 of the Agenda.
2. That the Municipal Manager **BE AUTHORIZED** to finalize the disposal process in compliance with the legislative framework.
3. That the Municipal Manager **SHOULD SUBMIT** a report to Council for noting upon the conclusion of the process.
4. That the disposal **BE DONE** according to the Municipal Policy.

A80/2013

REQUEST TO SELL SITE NUMBERS 91312 AND 91313 K1 KUTLWANONG TO GRACE CARE CENTRE(8/3/2/47/5)(ASM Human Settlement)

PURPOSE

To submit before Council, a request by Grace Care Centre to purchase sites 91312 and 91313 K1 Kutlwanong for Old Age Home and Orphanage purpose.

DISCUSSIONS

The Chief Whip, Cllr MJ Semela, requested a caucus prior to the discussion of the item which was granted by the Speaker.

After the caucus the Executive Mayor reported that the Applicant did not sign the application letter and requested that the item be referred back for further investigation.

COUNCIL RESOLVED (4 JULY 2013)

That the item **BE REFERRED BACK** for further investigation where after the item **WILL BE RE-SUBMITTED** to Council.

A81/2013

ESKOM: APPLICATION TO PURCHASE A PORTION OF THE FARM LOTGEVAL 96 FOR EXPANSION OF THE ALMA SUBSTATION (LED)

PURPOSE

The purpose of the report is to motivate the alienation of a portion of the farm Lotgeval 96 to ESKOM for the expansion of their existing operations at the Alma Substation.

DISCUSSIONS

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED (4 JULY 2013)

1. That the alienation of the two portions of the farm Lotgeval 96 (± 4 ha) as indicated on **Page 128 of the Annexures** to ESKOM at full market value **BE SUPPORTED** for the expansion of the existing operations at the Alma Substation.
2. That it **BE SUPPORTED** that the portions of land are not required to render future municipal services.

3. That the Municipal Manager **BE MANDATED** to finalize sales agreement of the land to ESKOM inclusive of following conditions:
 - a) The successful subdivision and consolidation of the target properties with the ESKOM substation (Farm Alma 64) by the applicant and that the applicant also **BE RESPONSIBLE** for all costs in relation to the alienation of the properties including the deed of sale, transfer cost or any other cost in relation to the alienation of the property.
 - b) That if required, the applicant will **BE RESPONSIBLE** for all costs in relation to the provision of municipal services that may be required.
4. That a report on the market value to purchase a portion of the Farm Lotgeval 96 for expansion of Alma Substation **BE SUBMITTED** at the next Council meeting.

A82/2013

PROGRESS REPORT ON MATJHABENG MUNICIPALITY INFRASTRUCTURE DEVELOPMENT PROJECTS FUNDING APPLICATION (MM)(6/4/1)

PURPOSE

The purpose of the report is to submit a report on the progress made to date in the processing of the Matjhabeng Infrastructural Grant application by Dikeni Investments for information.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED (4 JULY 2013)

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

A83/2013

ICT POLICIES AND PROCEDURES (MM) (2/4)

PURPOSE

To submit to Council for consideration the proposed ICT Policies and Procedures.

DISCUSSIONS

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED (4 JULY 2013)

1. That Council **TAKES NOTE** of the draft ICT Policies and Procedures.
2. That Council's intend to adopt the draft ICT Policies and Procedures **BE ADVERTISED**.

A84/2013

ACTION PLAN ON THE AG AUDIT QUERIES RAISED IN 2011/12 AUDIT REPORT (ACFO) (6/12/2/1)

PURPOSE

To submit to Council the progress on the Audit Query Action Plan for the audit queries raised during the 2011/12 reporting year.

DISCUSSIONS

The Executive Mayor presented the item to Council.

The Executive Mayor indicated that the action plan as submitted is outdated and that the item be referred to the next Council meeting, in order to enable Finance to update and also to include the dashboard plan of the Auditor General on the Audit Queries.

COUNCIL RESOLVED (4 JULY 2013)

That the matter **BE REFERRED BACK** to the next Council meeting.

CONFIDENTIAL

The Speaker requested members of the public and Officials to vacate the chambers, as the item is confidential.

C4/2013

APPOINTMENT OF AN ACTING CHIEF FINANCIAL OFFICER (MM) (5/5/2)

PURPOSE

The purpose of the item is to request Council to appoint an Acting Chief Financial Officer (ACFO)

DISCUSSIONS

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED (4 JULY 2013)

1. That Council **APPOINTS** L Williams as acting Chief Financial Officer.
2. That the acting period **SHOULD NOT** exceeds three (3) months.
3. That the Executive Mayor be requested **TO EXPEDITE** the appointment of the Chief Financial Officer.