

# **MINUTES**

of the

**5<sup>th</sup> ORDINARY COUNCIL MEETING  
FOR THE YEAR 2011**

of

**MATJHABENG MUNICIPALITY**

held on

**TUESDAY, 25 OCTOBER 2011**

at

**16:00**

**COUNCILLORS ATTENDANCE: 5<sup>TH</sup> ORDINARY COUNCIL MEETING  
MINUTES: 25 OCTOBER 2011**

**ANC**

<b>PROPORTIONAL</b>			
1.	Ngangelizwe S ( <b>Executive Mayor</b> )	12.	Ntsebeng MH
2.	Chaka CP	13.	Petleki KI
3.	Kotzee D ( <b>Written Apology</b> )	14.	Radebe MC
4.	Lande ME ( <b>Written Apology</b> )	15.	Radebe ML ( <b>Written Apology</b> )
5.	Mafa DM	16.	Sephiri MJ ( <b>Chief Whip</b> )
6.	Mafongosi ZV	17.	Speelman NW
7.	Mbana MA	18.	Stofile B ( <b>Speaker</b> )
8.	Menyatso KJ	19.	Themhani PP
9.	Mkhusane NC	20.	Tihone ML
10.	Molefi MJ ( <b>Written Apology</b> )	21.	Tsubane ME
11.	Motshabi MP ( <b>Written Apology</b> )	22.	Vanga NM
<b>WARD</b>			
23.	Dali VN	38.	Morris VR
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	44.	Qwasha GL ( <b>Written Apology</b> )
30.	Mfebe MSE	45.	Riet MI
31.	Mokausi LC ( <b>Written Apology</b> )	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
36.	Molupe RT	51.	Tsatsa SJ
37.	Monjovo NE	52.	Tsubella KS

**DA**

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

## II

### COPE

PROPORTIONAL			
69.	Matlebe MM	71.	Thoabala TE
70.	May FG		

### FF+

PROPORTIONAL	
72.	Taljaard SDM

### OFFICIALS

Mr G Ramathebane	:	Municipal Manager
Mr M Atolo	:	Acting Director Corporate Support Services
Mr M Besani	:	Executive Director Infrastructure
Mr E Motheoane	:	Acting Executive Director Social Services
Mr J 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

3.1 The Speaker informed Council that the Free State Municipal Pension Fund confirmed the election of Cllrs PF Botha, MD Masienyane, MJ Sephiri, B Stofile and SDM Taljaard as Council's representatives.

3.2 The Speaker informed Council that the Premier of the Province invited all Councillors to attend the Unemployed Graduates meeting to be held on 26 October 2011 at the Community Centre, Thabong.

3.3 The Speaker informed Council that the Executive Mayor invited all Councillors to the launch of the Matjhabeng Aids Council on 26 October 2011 at 10:00 in the Ferdi Meyer Hall.

### 4. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

Cllr Morris informed Council of the passing away of 2 elderly community members in Bronville.

### 5. DISCLOSURE OF INTEREST

None

### 6. DEPUTATIONS AND INTERVIEWS

Presentation: Ramathe Fivas Report by COGTA.

#### COUNCIL RESOLVED (25 OCTOBER 2011)

That the Executive Mayor and the Municipal Manager submit an action plan, to address the recommendation made in the report, in the next Council meeting.

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

None

## **IV**

### **8. MINUTES OF PREVIOUS MEETINGS**

#### **COUNCIL RESOLVED (25 OCTOBER 2011)**

That the minutes of the 4<sup>th</sup> Ordinary Council Meeting held on 13 September 2011 **BE APPROVED** in conjunction with the following amendment:

The Chief Whip, Cllr MJ Sephiri, indicated that he submitted an apology.

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

None

### **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)**

A43/2011 – A47/2011 and A54/2011

### **12. REPORTS OF THE EXECUTIVE MAYOR**

A48/2011 – A53/2011

### **13. MOTIONS**

A54/2011

### **14. CLOSING REMARKS**

None

### **15. CLOSURE**

The Speaker ended the meeting at **24:00**.

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

.....  
**DATE**

# V

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# 1

**//Cllr AX Mbambo was unanimously appointed to Chair the meeting in order to enable the Speaker to present his items//**

**A43/2011**

**TERMS OF REFERENCE OF THE CHAIRPERSONS COMMITTEE (4/1/2/2)**  
**(Office of the Speaker)**

**PURPOSE**

To submit to Council the Terms of Reference of the Chairpersons Committee.

**DISCUSSIONS**

Cllr B Stofile presented the item.

**COUNCIL RESOLVED (25 OCTOBER 2011)**

That Council **APPROVES** the following as the Terms of Reference of the Chairpersons Committee.

1. Constituted by Ward Councillors by virtue of their being Chairpersons of Ward Committees.
2. Accountable to and report to Council through the Office of the Speaker.
3. Receives and discusses reports from different wards, as forwarded by the Ward Chairpersons.
4. Make submissions and recommendations to Council on matters of common interest and concern to the wards.
5. Meets once a month in terms of the Rules and Orders of Council.
6. Serves to give support, leadership guidance and information sharing among Ward Councillors.
7. Receives and discuss reports received via the Office of the Speaker from other councillors and the community.

**A44/2011**

**TERMS OF REFERENCE FOR THE NAMING AND RE-NAMING OF STREETS AND BUILDINGS (19/4/3)**  
**(Office of the Speaker)**

**PURPOSE**

To submit to Council the proposed Terms of Reference for the above-mentioned committee

**DISCUSSIONS**

Cllr B Stofile presented the item.

After lengthy discussion

**COUNCIL RESOLVED (25 OCTOBER 2011)**

That the item **BE REFERRED BACK** to the next Council meeting to enable the Draft Matjhabeng Policy on the Naming and Re-naming of Streets and Buildings to be included.

**A45/2011**

**NOMINATION OF REPRESENTATIVES TO THE FREE STATE PROVIDENT FUND (5/4/4/1/2) (AEDCSS)**

**PURPOSE**

To table a letter from Alexander Forbes requesting the nomination of representatives to the Free State Provident Fund.

**DISCUSSIONS**

Cllr B Stofile presented the item.

**COUNCIL RESOLVED (25 OCTOBER 2011)**

That the following Councillors **BE NOMINATED** as representatives to the Free State Provident Fund:

Cllr MJ Molefi  
Cllr NC Mkhuzane  
Cllr PF Botha

**A46/2011**

**ESTABLISHMENT OF THE AUDIT COMMITTEE (4/1/2/2) (AEDCSS)**

**PURPOSE**

To table a progress report before Council on the establishment of the Audit Committee.

**DISCUSSIONS**

Cllr B Stofile presented the item.

It was proposed that a panel consisting of 9 (nine) members, i.e. 5 Councillors, the Municipal Manager and 3 other persons, as decided by the panel, be constituted to interview the applicants.

**COUNCIL RESOLVED (25 OCTOBER 2011)**

1. That Council **TAKES NOTE** of the report.
2. That the panel **CONSISTS** of the following Councillors:

Cllr MS Mosala  
Cllr NP Motshabi  
Cllr ME Tsubane  
Cllr HJ Naude  
Cllr FG May.

**A47/2011**

**ESTABLISHMENT OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)  
(MM) (4/1/2/2)**

**PURPOSE**

To submit to Council a proposal for the establishment of the Municipal Public Accounts Committee.

**DISCUSSIONS**

Cllr B Stofile presented the item.

After lengthy discussion

## 4

### **COUNCIL RESOLVED (25 OCTOBER 2011)**

1. That Council **TAKES NOTE** of the contents of the Guidelines on the Municipal Public Accounts Committee.
2. That Council **ESTABLISHES** a Municipal Public Accounts Committee consisting of 13 councillors in line with Item 4.1, sub-item 4.2.4.
3. That the appointment of a chairperson for the Municipal Public Accounts Committee **BE REFERRED BACK** to the next Council meeting to allow Council to nominate a chairperson for the committee.

**//The Speaker resumed his position.//**

**A48/2011**

### **MONTHLY FINANCE REPORT – AUGUST 2011 (ACFO) (12/1/2/3)**

#### **PURPOSE**

To submit to Council the Monthly Finance Report for August 2011 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003.

#### **DISCUSSIONS**

The Executive Mayor presented the item.

It was stressed that Heads of Department must comply with the MFMA on the approval of overtime.

It was requested that restrictor meters must be supplied to Indigents that exceed their fixed allocation of water and electricity.

### **COUNCIL RESOLVED (25 OCTOBER 2011)**

That the Finance Report for August 2011 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE NOTED**.

**A49/2011**

**ANNUAL FINANCIAL STATEMENTS FOR THE 2010/11 FINANCIAL YEAR (ACFO) (12/1/2/3)**

**PURPOSE**

To submit to Council the Annual Financial Statements for 2010/11 financial year.

**DISCUSSIONS**

The Executive Mayor presented the item.

**COUNCIL RESOLVED (25 OCTOBER 2011)**

1. That the Annual Financial Statement in terms of Section 122 and 126 of the Municipal Finance Management Act, number 56 of 2003, **BE NOTED**.
2. That Council **DEBATES** the possible establishment of a Section 79 Committee, to address problems/questions raised by Councillors, at the next Council meeting.

**A50/2011**

**PROGRESS REPORT OF THE AG AUDIT QUERIES RAISED IN 2009/10 AUDIT REPORT (6/12/2/1) (ACFO)**

**PURPOSE**

To submit to Council the progress report on the Audit Query Action Plan for the audit queries raised during the 2009/10 reporting year.

**DISCUSSIONS**

The Executive Mayor presented the item.

**COUNCIL RESOLVED (25 OCTOBER 2011)**

That Council **TAKES NOTE** of the Audit Query Action Plan in terms of Section 122, 126 and 131 of the Municipal Finance Management Act, number 56 of 2003.

# 6

A51/2011

## AMENDMENT OF INDIGENT POLICY (LS) (6/1B)

### **PURPOSE**

To submit to Council the proposed amendments to the Indigent Policy.

### **DISCUSSIONS**

The Executive Mayor presented the item.

Cllr D Smit requested that the following issues be taken into consideration before the final approval of the Indigent Policy:

4.2.17 Tenants – That the landlord’s rights be acknowledged.

9.2.5 That the word **may** be changed to **must**.

9.3 Electricity – That pre-paid meters be installed.

12.1 Orphans – Transferring attorneys be appointed at a fixed cost to assist in registering properties.

13.3 Theft and Fraud – That Council’s By-laws be effected.

### COUNCIL RESOLVED (25 OCTOBER 2011)

1. That the following amendments to the Indigent Policy **BE APPROVED** :

(a) Under **par. 4. Definitions on page 5** of the policy insert and includes -

“**Owner**” means and includes:

(b) Under **4.2.17 on Page 7** of the policy insert the following –

#### **4.2.17 Tenants [legal]**

Tenant’s accounts must be approved on the following facts:

4.2.17.1 If the occupant bought the property and does not have enough funds to transfer the property to his/her name.

4.2.17.2 If the municipality has not transferred the property to the purchaser.

4.2.17.3 If the tenant is an account holder who meets all other qualifying requirements.

4.2.17.4 Legal tenants that have legal contracts and the owner has informed the council of such tenancy within 14 days of occupation.

(c) **On Page 8** of the policy insert 6.2.1 and 6.2.2 –

## **6.2 Qualifying Criteria**

In order to qualify for the registration as an indigent, an applicant must satisfy the following criteria:

- 1.2.1 the usage of the property must predominantly be for private residential,
- 1.2.2 the applicant must be the [legal occupier] registered owner of the property [dwelling/unit],

(d) **On Page 9** of the policy insert the following –

### **6.3 Occupants' Accounts**

Occupants' accounts must be approved on the following facts:

- 1.3.1 If the occupant got entitlement of the property on or before 1 January 2010 and if can provide council of proof thereof and does not have enough funds to transfer the property to his/her name.
- 1.3.2 If the municipality has not transferred the property to the purchaser.
- 1.3.3 If the Occupant is an account holder who meets all the other qualifying requirements.
- 1.3.4 All other qualifying requirements must apply.

### **1.4 Pensioners**

- 6.4.1 Pensioners who are residing at old age homes and have municipality accounts should be approved.
- 6.4.2 Pensioners who are not the registered owners of the property and have municipal accounts should be approved.

(e) **On Page 13** of the Policy insert the following –

### **9.1 Property**

The following checklist shall be applicable to any indigent applicant:

- 9.1.1 Value of the property
- 9.1.2 Extent of the property
- 9.1.3 Existence of swimming pool
- 9.1.4 Number of toilets and or bathrooms

The Municipality reserves the right to decline any application based on one of the aspects mentioned in 9.1 above and if it appears that consumption of water is likely to exceed 6kl.

## 8

(f) On **page 15** of the Policy insert the word quarterly –

### 11. Write-offs

Indigent write-offs should be done on a quarterly basis to accommodate new applications and to minimize the challenges as stated in the problem statement.

2. That the Indigent Policy **BE USED** as a working document until final approval.
3. That a workshop **BE CONDUCTED**, for Councillors, on the Policy.
4. That the Policy **BE MADE AVAILABLE** for public comments.

**A52/2011**

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

#### **PURPOSE**

To present before Council portions of land as well as properties owned by Council with the intention of disposing them through the public bidding process.

#### **DISCUSSIONS**

The Executive Mayor presented the item.

Cllr JS Marais indicated that Council could not take a decision on the matter as the stipulations of the MFMA were not adhered to.

After lengthy discussion

#### **COUNCIL RESOLVED (25 OCTOBER 2011)**

That the item **BE REFERRED BACK** to the next Council meeting to enable the Housing Department to comply with section 14 (2) (a) and (b) of the MFMA.

**A53/2011**

**EMPLOYMENT CONTRACT AND PERFORMANCE AGREEMENT OF THE MUNICIPAL MANAGER (EDCSS) (5/1/13B)**

**PURPOSE**

To submit to Council for information, the Employment Contract and Performance Agreement of the Municipal Manager.

**DISCUSSIONS**

The Executive Mayor presented the item.

**COUNCIL RESOLVED (25 OCTOBER 2011)**

That Council **TAKES NOTE** of the Performance and Employment Agreements of the Municipal Manager.

**A54/2011**

**MOTION TO ELIMINATE CRIME: COUNCILLOR KL MEYER (3/1/3/2) (AEDCSS)**

**Cllr KL Meyer apologized and therefore the matter was not discussed.**