

MINUTES

of the

**5th SPECIAL COUNCIL MEETING
FOR THE YEAR 2012**

of

MATJHABENG MUNICIPALITY

held on

THURSDAY, 30 AUGUST 2012

at

15:00

**COUNCILLORS ATTENDANCE: 5TH SPECIAL COUNCIL MEETING MINUTES:
30 AUGUST 2012**

ANC

| PROPORTIONAL | | | |
|---------------------|--|-----|--|
| 1. | Ngangelizwe S (Executive Mayor) (Apology) | 12. | Petleki KI |
| 2. | Chaka CP (Written Apology) | 13. | Radebe MC (Written Apology) |
| 3. | Kotzee D (Written Apology) | 14. | Radebe ML (Written Apology) |
| 4. | Mafa DM (Written Apology) | 15. | Sephiri MJ (Chief Whip) |
| 5. | Mafongosi ZV | 16. | Speelman NW (Written Apology) |
| 6. | Mbana MA | 17. | Stofile B (Speaker) |
| 7. | Menyatso KJ | 18. | Tlhone ML |
| 8. | Mkhusane NC (Written Apology) | 19. | Tsubane ME (Written Apology) |
| 9. | Molefi MJ | 20. | Twanana M |
| 10. | Motshabi MP (Written Apology) | 21. | Vanga NM |
| 11. | Ntsebeng MH (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 | 41. | Mphikeleli MA |
| 27. | Makgowe PV | 42. | Ntlele KI (Written Apology) |
| 28. | Masienyane MD | 43. | Phetise ME (Written Apology) |
| 29. | Mbambo AX | 44. | Qweshu GL |
| 30. | Mfebe MSE | 45. | Riet MI |
| 31. | Mokausi LC (Written Apology) | 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 (Written Apology) |
| 36. | Molupe RT | 51. | Tsatsa SJ |
| 37. | Monjovo NE | 52. | Tsubella KS |

DA

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

II

COPE

| PROPORTIONAL | | | |
|--------------|------------------------------|-----|-------------|
| 69. | Matlebe MM (Absent) | 71. | Thoabala TE |
| 70. | May FG | | |

FF+

| PROPORTIONAL | |
|--------------|--------------|
| 72. | Taljaard SDM |

OFFICIALS

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

III

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

The Speaker requested a moment of silence for the victims of the Marikana massacre.

4. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

Cllr Thoabala thanked the following:

- (i) The well-organised LED seminar.
- (ii) The Provincial Government for allocating study loans to Matjhabeng students.
- (iii) The beautification of the entrance to Ward 25.

5. DISCLOSURE OF INTEREST

None

6. MATTERS FOR DISCUSSION

SA5/2012 – SA12/2012 AND C1/2012

7. ANNOUNCEMENTS

None

8. CLOSURE

The Speaker ended the meeting at **17:00**.

.....
CLLR B STOFIE (SPEAKER)

.....
DATE

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| SA6/2012 | REVISED INDIGENT POLICY (6/1B) (ACFO) | 1 |
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| SA11/2012 | REQUEST FOR EXTENSION OF THE ACTING PERIOD OF THE EXECUTIVE DIRECTOR CORPORATE SUPPORT SERVICES (MM) (5/5/2) | 4 |
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CONFIDENTIAL REPORT

| ITEM NO | ITEM | PAGE |
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| C1/2012 | STATUS OF SECTION 57 MANAGER'S CONTRACTS: MESSRS S MAKHUBU AND M BESANI (MM) (5/3/2/1) | Separate Cover |

1

//Cllr PA Molelekoa was unanimously appointed to chair the meeting in order to enable the Speaker to present his item.//

SA5/2012

PAYMENT OF OUT-OF-POCKET EXPENSES TO WARD COMMITTEE MEMBERS (3/8/1/1) (OFFICE OF THE SPEAKER

PURPOSE

To submit to Council the Performance Scorecard of Matjhabeng Local Municipality Ward Committees for approval.

DISCUSSIONS

Cllr B Stofile presented the item.

Cllr FG May indicated that the word “Scorecard” in the heading of **pages 1 to 3 of the Annexures** should be changed to “Performance Management Tool”.

COUNCIL RESOLVED (30 AUGUST 2012)

1. That Council **APPROVES** the Performance Scorecard of ward committees.
2. That Council **APPROVES** the 6-month ward committee activity sheet that should be used to justify payment of out-of-pocket expenses to members of ward committees.
3. That Council **APPROVES** the back-dated payment of members of ward committees starting from 01 July 2012 as resolved by Council in its meeting on 29 May 2012 while still waiting for finalisation of the policy.

//The Speaker resumed his position.//

SA6/2012

REVISED INDIGENT POLICY (6/1B) (ACFO)

PURPOSE

The purpose of the report is to submit the Revised Indigent Policy to the Council.

DISCUSSIONS

The Acting Executive Mayor requested that the item be withdrawn as the policy submitted was not the final document.

COUNCIL RESOLVED (30 AUGUST 2012)

That the item **BE WITHDRAWN** to allow for the correct version of the Policy to be submitted to the next Council meeting.

SA7/2012

DRAFT INDIGENT BY-LAW (ACFO) (6/1B)

PURPOSE

To table the draft Indigent By-law to Council.

DISCUSSIONS

The Acting Executive Mayor requested that the item be withdrawn due to the withdrawal of the Policy.

COUNCIL RESOLVED (30 AUGUST 2012)

That the item **BE WITHDRAWN** and be re-submitted to the next Council meeting along with the Policy.

SA8/2012

ANNUAL PERFORMANCE REPORT 2011/12 (MM) (6/18/1)

PURPOSE

The purpose of the report is to table the Annual Performance Report for the 2011/12 Financial Year ended on 31 July 2012, in terms of Section 46 of Local Government: Municipal Systems Act, Act 32 of 2000, for consideration.

DISCUSSIONS

The Acting Executive Mayor presented the item.

COUNCIL RESOLVED (30 AUGUST 2012)

1. That Council **TAKES NOTE** the Annual Performance Report for the 2011/12 Financial Year.

2. That the annual performance information contained in the report **BE INCORPORATED** into the Annual Report as per Local Government: Municipal Finance Management Act 2003(Act No. 56 of 2003) Section 121.

SA9/2012

PROGRESS REPORT ON THE LEGAL OPINION SOUGHT PERTAINING TO DELEGATION OF POWERS (MM) (16/1) (3/2/2)

PURPOSE

To provide Council with progress pertaining to Council resolution of 29 May 2012 dealing with Delegation of Powers under the Municipal Systems Amendment Act, no.7 of 2011.

DISCUSSIONS

The Acting Executive Mayor presented the item.

COUNCIL RESOLVED (30 AUGUST 2012)

That Council **TAKES NOTE** of the progress pertaining the legal opinion on the Delegation of Powers.

SA10/2012

APPROVAL OF SPECIAL MERIT CASES FOR ACCOUNTING OFFICER, MANAGERS ACCOUNTABLE TO THE MUNICIPAL MANAGER AND ALL EMPLOYEES AFFECTED BY MINIMUM COMPETENCY LEVEL REGULATIONS (1/1/30) (MM)

PURPOSE

To request Council to approve a special merit case application to National Treasury in line with MFMA Circular no. 60, Municipal Finance Management Act of 2003.

DISCUSSIONS

The Acting Executive Mayor presented the item.

Cllr MJ Sephiri, Chief Whip, requested a caucus which was granted.

Cllr JS Marais wanted an indication of the officials referred to in the request for application to the National Treasury for "Special Merit Cases".

COUNCIL RESOLVED (30 AUGUST 2012)

1. That Council **APPROVES** the request for an application to the National Treasury for “Special Merit Cases” as follows:

CPMD

J Molawa
L Modise
E Kobuoe.

SAICA

G Ramathebane
S Makhubu
M Besani
L Senyane
M Mutsi

2. That the application **MUST BE SUBMITTED** by the Accounting Officer on or before 7 September 2012.
3. That the Accounting Officer **MUST SUBMIT** a progress report to Council on a continuous basis.
4. That a report back **BE SUBMITTED** to Council on the outcome of the application.

SA11/2012

REQUEST FOR EXTENSION OF THE ACTING PERIOD OF THE EXECUTIVE DIRECTOR CORPORATE SUPPORT SERVICES (MM) (5/5/2)

PURPOSE

The purpose of the item is to request Council to approve an application to the MEC for COGTA to grant permission for the extension of the acting period of the Executive Director Corporate Support Services.

DISCUSSIONS

The Acting Executive Mayor presented the item.

COUNCIL RESOLVED (30 AUGUST 2012)

1. That Council **APPROVES** the request for an application for the extension of the acting period of Mr J Molawa in terms of section 56(1) (c) of the Municipal Systems Amendment Act, No.7 of 2011.
2. That the Executive Mayor **be delegated** to depose the letter to the MEC of Local Government.
3. That the Accounting Officer **MUST FINALIZE** the process of recruitment, conduct interviews and submit same to Council for consideration **WITHIN THREE MONTHS** from date of extension of acting period.

SA12/2012

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 Acting Executive Mayor presented the item.

COUNCIL RESOLVED (30 AUGUST 2012)

1. That Council **APPOINTS** Mr LB de Bruyn as acting Chief Financial Officer.
2. That the acting period **SHOULD NOT EXCEED** three (3) months.
3. That the Accounting Officer **MUST FINALISE** the process of the recruitment and selection of candidates **WITHIN A PERIOD OF THREE MONTHS** from the date hereof.