

MINUTES

OF THE

**5TH ORDINARY MEETING
FOR THE YEAR 2006**

of

MATJHABENG MUNICIPALITY

held on

TUESDAY, 31 OCTOBER 2006

at

14:00

COUNCILLORS PRESENT: COUNCIL MEETING: 31 OCTOBER 2006

ANC

PROPORTIONAL			
1.	Mokapo NS (Executive Mayor) (Maternity Leave)	14.	Radebe ML (MMC)
2.	Baaitjies M (Written Apology)	15.	Ramaisa KA
3.	Dlova TW (MMC)	16.	Senoge MM
4.	Humphries MF	17.	Sephiri MJ (Chief Whip)
5.	Masoka NL (MMC)	18.	Speelman NW (MMC)
6.	Matlabe MMT	19.	Thoabala TE
7.	Matosa AN (Written Apology)	20.	Thuthani ZA (MMC)
8.	Ntsebeng MH (MMC)	21.	Tladi RE (MMC)
9.	ZP Noveld (Absent)	22.	Tihone ML
10.	Molefi MJ	23.	Tsubane ME
11.	Nyembe ME	24.	Twanana M
12.	Petleki KI	25.	Vanga NM
13.	Qabela V	26.	TD Khalipha
WARD			
27.	Dlamini SC (MMC) (Written Apology)	43.	Montshioa BA (Apology not accepted)
28.	Kotzee AP (MMC) (Written Apology)	44.	Motshabi MP (Written Apology)
29.	Mahloko NN	45.	Mphikeleli MA
30.	Majwede MC	46.	Nakwa TA (Written Apology)
31.	Makgowe PV	47.	Ntsala NS
32.	Mankayi NE	48.	Peterson E
33.	Manzana NR	49.	Radebe LLF
34.	Masienyane MD	50.	Rubulana L (Speaker)
35.	Mathebula MA	51.	Sebeela SD
36.	Mfebe MSE	52.	Sejane LM
37.	Mkhusane NC	53.	Semela ME
38.	Moahloli MS	54.	Sithole B
39.	Mokapo TJ	55.	Taliwe FE
40.	Mokhuma MS	56.	Themhani PP
41.	Mokobori KE	57.	Tsatsa SJ
42.	Monjovo NE		

II

DA

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

FF+

PROPORTIONAL	
69.	Coetzee BJA (Written Apology)

PAC

PROPORTIONAL	
70.	Majoe TS (Absent)

ACDP

PROPORTIONAL	
71.	Mofoka MA

IND

WARD	
72.	Liphoko SJ (Absent)

OFFICIALS

Dr B Malakoane : Municipal Manager
Mr S Naniso : Acting Executive Manager: Corporate Services
Mr SD Mana : Caretaker (Corporate Services)
Me DF Ramakhale : Administrative Officer (Corporate Services)

(i) OPENING

Pastor KE Matlhaku opened the meeting with Scripture reading and prayer.

III

(ii) APPLICATIONS FOR LEAVE OF ABSENCE

See Attendance List above.

Cllr BA Montshioa's apology was not accepted by the Speaker unless he gives better explanation at his office.

(iii) OFFICIAL ANNOUNCEMENTS OF THE SPEAKER

3.1 The Speaker announced that the NCOP as from the 6th up to the 10th November 2006 will visit the province and the opening will be at Parys from the 6th and the closing will be on the 10th November 2006. The purpose is to interact with ordinary people around the Province and with Councillors during their session.

3.2 That Council Meeting held on 31 October 2006 will be led by the Acting Executive Mayor, Cllr RE Tladi as Executive Mayor is still on Maternity Leave.

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

None

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

None

6. REPORTS RECEIVED FROM THE SPEAKER

None

7. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

7.1 SYMPATHY

The Speaker informed the Councillors that Cllr MP Motshabi lost his father in the early hours of Sunday. A moment of silence was observed.

8. MOTIONS OF SYMPATHY AND CONGRATULATIONS FROM OTHER MEMBERS

CONGRATULATIONS

Cllr ML Radebe congratulated the Matjhabeng Executive Mayor (Me NS Mokapo) on the birth of her baby boy.

IV

9. DEPUTATIONS AND INTERVIEWS

None

10. DISCLOSURE OF INTEREST

None

11. MINUTES OF THE PREVIOUS MEETINGS

COUNCIL RESOLVED (31 OCTOBER 2006)

- 11.1 That the Minutes of the 4th Ordinary Meeting of the Council held on 29 August 2006 **BE NOTED** and **BE ADOPTED** at the next Ordinary Council Meeting subject to the following amendment as confirmed by the Speaker:

Attendance list: That Cllr SJ Tsatsa was absent with permission.

A53/2006

PURIFIED EFFLUENT WATER SUPPLY TO SPARTA FOODS (19/8/3/1) (CEMES)

Resolution No. 3 be corrected with the following addition:

That it **BE PUT** on records that all DA Councillors objected to the recommendations above, because they felt that the negotiated settlement with Sparta Foods cannot be changed.

12. FORMAL SIGNING OF MINUTES

A63/2006

REQUEST TO DO REMUNERATIVE WORK OTHER THAN THE WORK OF THE MUNICIPALITY (5/5/5) (MM)

The Speaker indicated that he would sign the minutes after the correction of the above item has been done.

V

13. MATTERS ARISING FROM THE MINUTES

A63/2006

REQUEST TO DO REMUNERATIVE WORK OTHER THAN THE WORK OF THE MUNICIPALITY (5/5/5) (MM)

Cllr JJC Fourie indicated that eight (8) DA Councillors voted against the motion and he does not know which Councillors from DA abstain/declined to vote against the request.

The Chief Whip indicated that according to him four (4) DA Councillors voted and four (4) abstain.

COUNCIL RESOLVED (31 OCTOBER 2006)

Tapes of the meeting held on 29 August 2006 **BE LISTENED TO GET** the results that were announced by the Speaker.

The copies of the above item were verified and it is as follows:

The Acting Speaker Cllr KA Ramaisa announced the outcome of the votes as follows:

Forty nine (49) Councillors voted in favour of the recommendation presented by the Executive Mayor, four (4) Councillors voted against and four (4) Councillors declined to vote.

14. QUESTIONS OF WHICH NOTICE WAS GIVEN

A72/2006 – A74/2006

The above items were dealt with under Item **15** of the Agenda.

15. REPORTS OF THE EXECUTIVE MAYOR AND COMMITTEES

A63/2006 – A71/2006 AND A78/2006

VI

16. REPORTS OF DECISIONS TAKEN UNDER DELEGATED POWERS

1.

The Speaker presented his report on behalf of the Executive Mayor on decisions taken under delegated powers and the resolution in this regard is on **page 7, Item A79/2006** of these minutes.

17. MOTIONS

None

18. CLOSURE

The Acting Speaker terminated the meeting at **18:05**.

.....
L RUBULANA (SPEAKER)

.....
DATE

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A63/2006

VERDICT: MAYIHLOME ELECTRICAL ENGINEERING (PTY) LTD / MATJHABENG LOCAL MUNICIPALITY (19/3/4) (MLS)

PURPOSE OF THE REPORT

The purpose of the report is to inform the Council of the Judgment granted in favor of the Municipality in the matter between the Mayihlome Electrical Engineering (Pty) Ltd / Matjhabeng Local Municipality.

COUNCIL RESOLVED (31 OCTOBER 2006)

[MLS] That this item **BE NOTED**.

A64/2006

MATJHABENG LOCAL MUNICIPALITY: DRAFT PERFORMANCE MANAGEMENT SYSTEM (PMS) FRAMEWORK (MM) (5/1/13B)

PURPOSE OF REPORT

To submit the Draft Performance Management System Framework to Council for consideration.

COUNCIL RESOLVED (31 OCTOBER 2006)

- [MM]
1. That Council **ADOPTS** the Performance Management System as a framework of Matjhabeng Local Municipality.
 2. That the Performance Assessment, and Performance and Development Plan **TOOLS BE APPROVED**.
 3. That the departments and Councillors **BE WORK-SHOPPED** on the Performance Assessment, and Performance and Development Plan Tools.

A65/2006

CREDIT CONTROL AND DEBT COLLECTION POLICY (6/1/B) (ACFO)

PURPOSE:

To submit the reviewed credit control and debt collection policy to Council for approval.

COUNCIL RESOLVED (31 OCTOBER 2006)

[ACFO] That the Council **APPROVES** the amendments made on the credit control and debt collection policy as submitted.

A66/2006

REPORT ON THE IMPLEMENTATION OF THE FINANCIAL RECOVERY PLAN 2006-2007 (6/18/1) (ACFO)

PURPOSE

To submit to the Mayoral Committee a progress report on the implementation of the Financial Recovery Plan.

COUNCIL RESOLVED (31 OCTOBER 2006)

[ACFO] That the implementation of the Financial Recovery Plan 2006 – 2007 **BE NOTED.**

A67/2006

PROGRESS REPORT ON THE WRITING OFF, OF ARREARS FOR INDIGENTS AS PER COUNCIL RESOLUTION (1/10/1) (ACFO)

To submit to the Mayoral Committee progress on the writing off of arrears for indigents as per council resolution.

COUNCIL RESOLVED (31 OCTOBER 2006)

[ACFO] That the progress on writing off, of arrears for Indigents **BE NOTED.**

A68/2006

CAPITAL EXPENDITURE FOR WHICH NO PROVISION WAS MADE IN THE BUDGET FOR 2006/2007 (6/1/1/1 – 2006/2007) (CFO)

COUNCIL RESOLVED (31 OCTOBER 2006)

PURPOSE

To obtain condonation of capital expenditure incurred in respect of projects carried over from the previous financial year for which no provision was made in the current year budget.

COUNCIL RESOLVED (31 OCTOBER 2006)

- [ACFO] 1. That the Council **TAKES NOTE** of the item.
- [MM] 2. That the item **BE REFERRED BACK** to the Municipal Manager to prepare a detailed report on the following questions:

Why were the projects not budgeted in the 2007/2007 Budget?

Why were they allowed to continue beyond their budget period?

What corrective or disciplinary measures have been taken or are going to be taken by Municipal Manager against the involved official/officials?

A69/2006

HARMONY GOLD MINING COMPANY: MINE HOSTEL RE-DEVELOPMENT PROGRAMME: PROVISION OF SOCIAL AND CO-OPERATIVE (9/3/13)

PURPOSE

To submit to Council a proposal by Harmony Gold Mine to redeveloped old mine hostels into formal residential units

COUNCIL RESOLVED (31 OCTOBER 2006)

That the matter, **BE REFERRED BACK** for further investigation by the Office of the Municipal Manager and that a report **BE SUBMITTED** at the next ordinary Council meeting.

A70/2006

STATUS REPORT ON MIG PROJECTS (CEMES) (3/3/27)

To submit to Mayoral Committee the current status report on MIG projects.

COUNCIL RESOLVED (31 OCTOBER 2006)

- [CEME] 1. That the Status Report on MIG Projects **BE NOTED.**
- [SPEAKER'S OFFICE] 2. That the Speaker **CONVENES** an urgent Council Meeting so that a presentation can be made by the Municipal Manager on the performance of the Capital Budget.

A71/2006

EMPLOYMENT EQUITY REPORT FOR 2006/2007 (5/3/B) (EMHR)

1. PURPOSE

To inform Council on the Employment Equity Report in terms of the requirements of the Employment Equity Act, 1998 (Act No 55 of 1998).

COUNCIL RESOLVED (31 OCTOBER 2006)

- [EMHR] That Council **TAKES NOTE** of the Employment Equity Report for 2006/2007.

A72/2006

QUESTIONS SUBMITTED BY CLLR TOY BENEKE IN TERMS OF RULE 52 OF STANDARD RULES AND ORDERS

PURPOSE

To present to Council Questions raised by Cllr Toy Beneke in terms of Rule 52 of Standard Rules and Orders.

COUNCIL RESOLVED (31 OCTOBER 2006)

That the answers appeared on pages 153 to 159 of Annexures **BE NOTED.**

A73/2006

QUESTIONS SUBMITTED BY CLLR VH NEUMANN IN TERMS OF RULE 52 OF STANDING RULES AND ORDERS (3/1/1)

PURPOSE

To present to Council Questions raised by Cllr VH Neumann for consideration.

Councillor Neumann who presented the motion was granted an opportunity to present his reaction to the responses.

COUNCIL RESOLVED (31 OCTOBER 2006)

That Council **RESOLVED TO CLOSE** discussion on the motion.

A74/2006

ITEM SUBMITTED BY CLLR TOY BENEKE: “THAT COUNCIL REMOVE ALL DAMAGED AND/OR IRREPARABLE STREET LIGHTS, ROAD SIGNS AND BILL BOARDS”

PURPOSE

To present to Council an item submitted by Cllr Toy Beneke for consideration.

COUNCIL RESOLVED (31 OCTOBER 2006)

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

A75/2006

NOTICE OF MOTION: CLLR ANDRE STYGER (3/1/2/1)

To present to Council notice of motion as submitted by Cllr André Styger for consideration.

COUNCIL RESOLVED (31 OCTOBER 2006)

That the matter **BE KEPT** in abeyance and that a report **BE PRESENTED** at the next Council Meeting.

A76/2006

NOTICE OF MOTION: CLLR J H A EDELING (3/1/2/1)

PURPOSE

To present to Council notice of motion as submitted by DA Counillor JHA Edeling for consideration.

COUNCIL RESOLVED (31 OCTOBER 2006)

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

A77/2006

NOTICE OF MOTION: CLLR J FOURIE (3/1/2/1)

To present to Council notice of Motion as submitted by Cllr J Fourie for consideration.

COUNCIL RESOLVED (31 OCTOBER 2006)

1. That the motion of Cllr J Fourie **BE NOTED**.
2. That all proposed amendments to the policy **BE CONSIDERED** and that an item **BE PREPARED** for the next Council Meeting to consider the amendments.

A78/2006

REPORT ON THE PRESENTATION DONE BY EMERALD SKY CONCERNING THEIR SOIL STABILIZATION PRODUCT FOR ROAD CONSTRUCTION (19/4/1) (CEMES)

PURPOSE OF REPORT

To inform Council about the presentation done by Emerald Sky concerning soil stabilization product which they propose should be used on the municipality's gravel roads program.

To show the comparison of this new product with other conventional road building products.

COUNCIL RESOLVED (31 OCTOBER 2006)

[CEMES] That the item **BE REFERRED BACK TO ALLOW** other structures to interact with the item.

A79/2006

REPORT ON DECISIONS TAKEN UNDER DELEGATED POWERS (3/1/2/) (AMM)

COUNCIL RESOLVED (31OCTOBER 2006)

[FILE] That the resolutions taken by the Executive Mayor under delegated powers as they appear on the Annexures marked Executive Mayor's Report i.e. **MC30/2006 to MC35/2006, MC37/2006, MC39/2006 to MC45/2006, MC47/2006, MC49/2006 and MC51/2006 to MC75/2006 BE CONFIRMED.**