

MINUTES

OF THE

**1ST ORDINARY MEETING
FOR THE YEAR 2007**

of

MATJHABENG MUNICIPALITY

held on

TUESDAY, 27 FEBRUARY 2007

at

16:00

COUNCILLORS ATTENDANCE: COUNCIL MEETING: 27 FEBRUARY 2007

ANC

| PROPORTIONAL | | | |
|---------------------|--|-----|---|
| 1. | Mokapo NS (Executive Mayor) | 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 | 20. | Thuthani ZA (MMC) (Written apology) |
| 8. | Ntsebeng MH (MMC) | 21. | Tladi RE (MMC) |
| 9. | ZP Noveld | 22. | Tihone ML |
| 10. | Molefi MJ | 23. | Tsubane ME |
| 11. | Nyembe ME (Absent) | 24. | Twanana M |
| 12. | Petleki KI | 25. | Vanga NM |
| 13. | Qabela V | 26. | TD Khalipha (Absent) |
| WARD | | | |
| 27. | Dlamini SC (MMC) | 43. | Montshioa BA |
| 28. | Kotzee AP (MMC) | 44. | Motshabi MP |
| 29. | Mahloko NN (Written apology) | 45. | Mphikeleli MA |
| 30. | Majwede MC | 46. | Nakwa TA |
| 31. | Makgowe PV | 47. | Ntsala NS |
| 32. | Mankayi NE | 48. | Peterson E (Absent) |
| 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 (Absent) |
| 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 |

PAC

| PROPORTIONAL | |
|--------------|----------|
| 70. | Majoe TS |

ACDP

| PROPORTIONAL | |
|--------------|-----------|
| 71. | Mofoka MA |

IND

| WARD | |
|------|------------------------------|
| 72. | Liphoko SJ (Absent) |

OFFICIALS

| | | |
|------------------|---|--|
| Dr B Malakoane | : | Municipal Manager |
| Dr L Moorosi | : | Chief Operations Officer |
| Mr MNS Moletsane | : | Director Corporate Support Services |
| Mr TA Ngozwana | : | Director Infrastructure |
| Me KR Maloka | : | Director Social Services and Law Enforcement |
| Me DF Ramakhale | : | Administrative Officer (Corporate Services) |

ALSO PRESENT

Mr M Klopper
Mr JF Swanepoel

III

1. OPENING

Reverend Paul Khongwana of Bagalatia Apostolic Church opened the meeting with Scripture reading and prayer.

2. APPLICATIONS FOR LEAVE OF ABSENCE

See Councillors Attendance List on **pages I and II**

3. OFFICIAL ANNOUNCEMENTS OF THE SPEAKER

3.1 The Chief Whip announced that in terms of protocol when the Executive Mayor enter the Chamber all Councillors should stand up and that they should remain seated when the Executive Mayor leaves the Chamber as well.

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

None

5. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

5.1 SYMPATHY

5.1.1 The Speaker informed the members about the passing away of Councillor Baaitjies's father.

5.1.2 The Speaker further informed the members about the former Mayor of Ngwathe Me Vivian Mangwana who also passed away.

A moment of silence was observed.

The Executive Mayor conveyed a motion of sympathy to both families of Councillor Baaitjies and of the former Mayor of Ngwathe Me V Mangwana.

IV

5.2 CONGRATULATIONS

The Speaker congratulated the following Councillor on his birthday:

MARCH

Neumann VH

6. MOTIONS OF SYMPATHY AND CONGRATULATIONS FROM OTHER MEMBERS

None

7. DEPUTATIONS AND INTERVIEWS

None

8. MINUTES OF THE PREVIOUS MEETINGS

IT WAS RESOLVED: (2007-02-27)

- 8.1 That the Minutes of the 6th Ordinary Meeting of the Council held on 28 November 2006 **BE APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting in conjunction with the following amendments:

Roman IV (Item A76/2006)

NOTICE OF MOTION: CLLR JHA EDELING (3/1/2/1)

That the resolution taken on the 28 November 2006 was wrong:

That the motion was submitted to the Municipal Manager in terms of the Rules and Orders and not to the Executive Mayor or to the Speaker and that item was removed.

- 8.2 That the minutes of the 5th Special Meeting of the Council held on 7 December 2006 **BE APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting.
- 8.3 That the minutes of the 1st Special Meeting of the Council held on 30 January 2007 **BE APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting.

V

9. FORMAL SIGNING OF MINUTES

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

10. MATTERS ARISING FROM THE MINUTES

SA14/2006

REPORT OF COMMITTEE INVESTIGATING SUSPECTED BREACHES OF THE CODE OF CONDUCT BY COUNCILLORS: ODYSSEY HOLDINGS (PTY) LTD (SPEAKER) (6/12/2/1) (P 3)

Councillor A Styger wanted to know why the information not submitted at the meeting held on January 2007.

The Executive Mayor informed Councillor A Styger that the Council Meeting held on 30 January 2007 was a Special Council Meeting not an Ordinary Meeting.

IT WAS RESOLVED: (2007-02-27)

That if an item was supposed to serve before the Council and it is not ready a report **SHOULD BE SUBMITTED** to the Council indicating reasons on such.

SA21/2006

PROPOSED AMENDMENT TO DELEGATION OF POWER (EXECUTIVE MAYOR) (3/2/2) (ADDENDUM P 15 : FURTHER ANNEXURES P 25 – 28)

Point No. 5

Policy on the alienation of residential and Church Sites

Councillor Styger wanted to know why the above matter was not placed on the Agenda.

The Executive Mayor indicated that the policy was not ready it will only serve before Council once it is ready.

IT WAS FURTHER RESOLVED: (2007-02-27)

That if an item was supposed to serve before Council and it is not ready a report **SHOULD BE SUBMITTED** to Council indicating reasons on such.

VI

A70/2006

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

Councillor A Styger wanted to know why the above matter was not addressed on the 7th of December 2006.

IT WAS RESOLVED: (2007-02-27)

That if an item was supposed to serve before Council and it is not ready a report **SHOULD BE SUBMITTED** to Council indicating reasons on such.

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

A1/2007 – A6/2007

12. REPORTS OF THE EXECUTIVE MAYOR

A7/2007 – A14/2007 and C1/2007

13. CLOSURE

The Speaker adjourned the meeting at **20:18**

.....
L RUBULANA (SPEAKER)

.....
DATE

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A1/2007

ESTABLISHMENT OF THE PERFORMANCE AUDIT COMMITTEE (MM) (MIA)
(6/12/3/1) (P 1)

PURPOSE

To establish Performance Audit Committee as required by Municipal Finance Management Act, Act No. 56 of 2003.

COUNCIL RESOLVED: (2007-02-27)

That the item **BE REFERRED BACK** to the Council Meeting to be held on 27 March 2007 in order to submit the following information:

- (a) A report on the adjudication and interviews held.
- (b) The issue on the odd number according to Standing Rules and Orders.
- (c) The issue of the remuneration be motivated.

A2/2007

ESTABLISHMENT OF AN OVERSIGHT COMMITTEE (4/1/2/2) (P 3)

PURPOSE

The purpose of the submission is to request Council for approval of appointment of the Oversight Committee.

// The Speaker explained that the Committee will be appointed on an Ad-hoc basis and the appointment of Councillors was not on the basis of the proportional representation.//

He further explained that the Oversight Committee is going to discuss the Annual Report and make recommendation to Council, and that once the report is adopted and agreed upon the Committee will dissolved.

// At 17:20 the DA requested a caucus which was granted and the meeting proceeded at 17:29.//

COUNCIL RESOLVED: (2007-02-27)

1. That the following non-executive Councillors **BE APPOINTED TO SERVE** in the Oversight Committee:
 - (i) Cllr Montsioa
 - (ii) Cllr Motshabi
 - (iii) Cllr Botha

2. That the following representatives **BE APPOINTED** from the public to serve in the Oversight Committee:
 - (i) Mr Lemmy Mule
 - (ii) Mrs Fabia Kgaeane
 - (iii) Mrs Lucy Losaba

3. That the Oversight Committee **SHOULD TABLE** before the Council an Oversight Report at the Council Meeting to be held on 27 March 2007.

4. That the members of the Oversight Committee who are the members of the public **BE REMUNERATED** at R500,00 per sitting.

A3/2007

NOTICE OF MOTION: CLLR JHA EDELING (P 4 : ANNEXURES P 1)

PERMISSION GRANTED BY COUNCIL TO MUNICIPAL MANAGER TO DO PRIVATE WORK (MM) (3/1/2/1)
PURPOSE

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

// After the discussions regarding the above matter, Councillor A Styger proposed that the motion put on vote against the resolution taken on 29 August 2006 (A63/2006).//

The motion was put on vote:

- 11 - Votes supported the motion by Councillor JHA Edeling.**

- 49 - Votes supported the motion by the Executive Mayor.**

- 1 - Abstain from voting.**

COUNCIL RESOLVED: (2007-02-27)

1. That Council **GRANTS** its prior consent to Dr B Malakoane to do remunerative work as a Medical Practitioner during weekends and holidays other than the work of Council **BE RETAINED**.
2. That Councillor JHA Edeling **SHOULD BE REPREMANDED** for misleading the Council.

// Councillor A Styger indicated that in terms of Rule 83(2) he would like his vote to be noted against Executive Mayor's proposal.//

A4/2007

QUESTIONS SUBMITTED BY CLLR T BENEKE IN TERMS OF RULE 52 OF THE STANDARD RULES AND ORDERS (MM) (18/4/14/1) (P 5 : ANNEXURES P 2 – 6)

PURPOSE

To present to Council Questions raised by Councillor T Beneke in terms of Rule 52 of the Standard Rules and Orders.

COUNCIL RESOLVED: (2007-02-27)

That the matter **BE REFERRED BACK** for proper answers to be given and **BE RE-SUBMITTED** at the Council Meeting to be held on 27 March 2007.

A5/2007

DISCLOSURE OF INTEREST : COUNCILLOR TE THOABALA (3/1/1) (DCS) (P 6 : ANNEXURES P 7 – 8)

PURPOSE OF THE REPORT

To submit to Council information regarding the interest of Councillor TE Thoabala.

Councillor TE Thoabala was requested to recuse himself during the discussion of the item.

COUNCIL RESOLVED: (2007-02-27)

That the disclosure of interest of Councillor TE Thoabala in terms of Section 7(1) of Schedule 1 of the Code of Conduct for Councillors of the Local Government Municipal Systems Act 32 of 2000 **BE NOTED**.

A6/2007

SCHEDULE: COUNCIL MEETINGS 2007 (3/1/3/1) (SPEAKER) (P 7)

PURPOSE

To submit to Council the proposed dates for Council meetings for 2007.

COUNCIL RESOLVED: (2007-02-27)

That Council **TAKES NOTE** of the dates of Council meetings as submitted.

A7/2007

REASONS FOR LATE SUBMISSION AND TABLING OF THE ANNUAL REPORT (2/1) (MM) (P 8)

PURPOSE OF REPORT

The purpose of this report is to table the reasons for the late submission of the Annual Report for the Financial Year 2005/6.

COUNCIL RESOLVED: (2007-02-27)

That Council **ACCEPTS** the reasons for the late submission of the annual report.

A8/2007

ANNUAL REPORT 2005/6: MATJHABENG LOCAL MUNICIPALITY (2/1) (MM) (P 10 : ANNEXURES – SEPARATE COVER)

PURPOSE OF REPORT

The purpose of this report is to table the Annual Report for the year 2005/6 for consideration.

COUNCIL RESOLVED: (2007-02-27)

That Council **ADOPTS** the Annual Report for 2005/06 and **REFERS** it to the Oversight Committee established by Council.

A9/2007

MONTHLY BUDGET REPORTS – JANUARY 2007 (ACFO) (12/1/2/3) (P 12 : ANNEXURES P 9 – 19)

PURPOSE

To submit to Council the Budget report for January 2007 in terms of Section 71 of the Municipal Finance Management Act number 56 of 2003.

COUNCIL RESOLVED: (2007-02-27)

That Council **TAKES NOTE** of the Monthly Budget Report.

A10/2007

MUNICIPAL ADJUSTMENT BUDGET 2006/2007 (6/1/1/1 – 2006/2007) (Executive Mayor) (P 13 : ANNEXURES 20 – 24)

PURPOSE OF REPORT

To seek approval from Council on the Adjustment of the Municipal Budget for 2006/2007.

COUNCIL RESOLVED: (2007-02-27)

1. That Council **APPROVES** the Adjusted Municipal Budget for 2006 / 2007.
2. That the Accounting Officer **ENSURES** the implementation of the adjusted budget within the set framework.
3. That the Finance Department **SUBMITS** the adjusted budget to National Treasury, Provincial Treasury and Department of Local Government and Housing.

A11/2007

REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2005 (6/12/2/1) (MM) (P 15 : ANNEXURES – SEPARATE COVER)

PURPOSE

To inform Council regarding the report of the Auditor-General on the Financial Statements for the year ended 30 June 2005.

COUNCIL RESOLVED: (2007-02-27)

1. That Council **TAKES NOTE** of the report of the Auditor-General of the Matjhabeng Local Municipality.
2. That Management **IMPLEMENTS** recommendations of the Auditor-General and report to the Mayoral Committee on a monthly basis.
3. That Council **DELEGATES** the Executive Mayor to appoint a Committee.

A12/2007

DRAFT INDUCTION POLICY – MATJHABENG LOCAL MUNICIPALITY (5/1/1B) (DCS) (P 16 : ANNEXURES – SEPARATE COVER)

PURPOSE

To submit before Council a proposed draft Induction Policy to orientate, acclimatize and socialize new employees and current to the environment in which they are operating and to understand the code of conduct extracted from the Municipal Systems Act No. 32 of 2000 and Conditions of Services from SALGA.

COUNCIL RESOLVED: (2007-02-27)

1. That Council **APPROVES** the Draft Induction Policy as a policy of Matjhabeng Municipality.
2. That Corporate Support Services Department **WORKSHOPS** employees on the policy.
3. That funds **BE ALLOCATED TO TRANSLATE** the policy into Xhosa, Sotho and Afrikaans.

4. That a glossary booklet **BE DESIGNED AND IT SHOULD FORM** part of the Municipal resources in all Matjhabeng Libraries.
5. That the policy **FORMS** part of the Corporate branding DVD of the Municipality.

A13/2007

DRAFT LEARNERSHIP POLICY (DCS) (5/6/1) (P 18 : ANNEXURES – SEPARATE COVER)

PURPOSE OF REPORT

To submit a Draft Learnership Policy for adoption by Council.

COUNCIL RESOLVED: (2007-02-27)

1. That the proposed draft Learnership Policy **BE ADOPTED** by Council.
2. That Learnership intended **BE IMPLEMENTED**.
3. That the Director Corporate Support Services in consultation with the Municipal Manager **APPROVES** the declaration of intent and **DISPATCH** it to Bloemfontein LG SETA Offices and Head Office: Johannesburg.
4. That the Executive Mayor **EMBARKS** on the Skills Development Road Show with all High Schools of Matjhabeng which were previously disadvantaged.

A14/2007

DEMOLISHING OF PUBLIC AMENITIES (DSS&LE) (18/4/5/1) (P 20)

PURPOSE OF THE REPORT

To obtain permission from Council to demolish the following amenities:

- **Van Riebeeck Park East**
- **Van Riebeeck Park West**
- **Koppie Alleen**
- **Tempest Road Dagbreek**
- **Mclean Street – Reibeeckstad**
- **Tugela Circle – St Helena**
- **Fuel Street – Manny's**
- **Seemeeupark North**
- **Twist Street**

- **Peter Pan Park**
- **Old Store Room at Peter Pan Park**

COUNCIL RESOLVED: (2007-02-27)

1. That Council **AGREES** in principle to the demolishing of the affected public amenities that are hazardous to the community.
2. That Council **NOTES** that there will be no legal or financial implications attached to the demolition of public amenities.

C1/2007

DISCIPLINARY ENQUIRY : MATJHABENG LOCAL MUNICIPALITY / B MOLATSELI (5/2/2) (ADDENDUM P 22 : FURTHER ANNEXURES P 25 – 32)

PURPOSE OF REPORT

To submit to Council the Chairperson's findings on the merits of the disciplinary hearing of Mr B Molatseli as well as the Chairperson's verdict on the appropriate sanction.

COUNCIL RESOLVED: (2007-02-27)

That the Council approve that Mr B Molatseli **BE DISMISSED** for the misconduct of fraud.