

MINUTES

OF THE

**6TH ORDINARY MEETING
FOR THE YEAR 2004**

of

MATJHABENG MUNICIPALITY

held on

TUESDAY, 30 NOVEMBER 2004

at

16:00

COUNCILLORS PRESENT : COUNCIL MEETING : 30 NOVEMBER 2004

ANC

PROPORTIONAL			
1.	Leeuw SJ (Executive Mayor) (Apology)	15.	Ikaneng MI
2.	Matsepe TV (Speaker)	16.	Mafantire MJ
3.	Tsubane ME (Written Apology)	17.	Mafongosi VZ (Written Apology)
4.	Menong KS (MMC)	18.	Mashinini NL
5.	Ramaisa KA (MMC)	19.	Alexander RR
6.	Tladi RE (MMC)	20.	Radebe ML
7.	Thuthani ZA (MMC)	21.	Sephiri MJ
8.	Matosa AN	22.	Tihone ML
9.	Matlabe MMT	23.	Vanga M
10.	Mbana MA	24.	Kotzee D
11.	Mokhathi PE	25.	Masoleng NI
12.	Bengu VV (Written Apology)	26.	Kujoana MA
13.	Dali VN	27.	Motshabi MP
14.	Dlova TW (Written Apology)		
WARD			
28.	Matsbukanye MM (Absent)	43.	Mfebe MSE
29.	Tshabangu SE (MMC)	44.	Mhlaba N
30.	Mohloli PP	45.	Mokolutlo LA
31.	Mogole RR	46.	Montshioa BA (MMC)
32.	Liphoko SJ	47.	Mosala MS
33.	Mokoena ME	48.	Nakwa TA
34.	Masienyane MD	49.	Ngangelizwe S
35.	Baaitjies M	50.	Radebe LLF
36.	Dassie YS	51.	Ramojela JN
37.	Dlamini SC	52.	Rubulana L
38.	James TH (Apology)	53.	Seboholi CP
39.	Khalipha TD (MMC)	54.	Taliwe FE
40.	Mabuya FF (Written Apology)	55.	Thoabala TE (MMC) (Written Apology)
41.	Manzana NR	56.	Tsoene TD
42.	Masoka NL	57.	Tsatsa SJ

DA

PROPORTIONAL			
58.	Fourie JJC	62.	Maqena AM
59.	Marais (Dr) JS	63.	Ntsala MM
60.	Auret IH	64.	Olivier JJ
61.	Neumann VH	65.	Styger A
WARD			
66.	Bothma B	69.	Edeling JH
67.	Louw ML (Written Apology)	70.	Van Rooyen HC
68.	Smit DC (Written Apology)	71.	Du Toit JJB

II

PAC

PROPORTIONAL	
72.	Majoe TS

OFFICIALS

Mr RSB Sesele	:	Municipal Manager
Mr RC Spies	:	Corporate Executive Manager: Engineering Services
Mr JG Maritz	:	Acting Executive Manager: Corporate Services
Me AC Schoeman	:	Admin Officer (Corporate Services)
Mr D Mana		

1. OPENING

Pastor Paul O'Neil opened the meeting with Scripture reading and Mr Daniel Manku prayed.

2. APPLICATIONS FOR LEAVE OF ABSENCE

See Attendance List.

3. OFFICIAL ANNOUNCEMENTS OF THE SPEAKER

The Speaker informed Council that the Executive Mayor was attending a meeting in Pretoria and that Cllr TD Khalipha was the Acting Executive Mayor.

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

A69/2004

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

None

6. REPORTS RECEIVED FROM THE SPEAKER

A70/2004 and A83/2004

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

III

7. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

SYMPATHY

None

CONGRATULATIONS

The Speaker mentioned that 30 November marks certain special occasions on the calendar, i.e.:

The 16 day of activism against the abuse of women and children
Human Rights Day
National Aids Day on 1 December and
The day of the disabled on 3 December.

8. MOTIONS OF SYMPATHY AND CONGRATULATIONS FROM OTHER MEMBERS

SYMPATHY

Cllr ML Radebe paid a tribute to all the women who passed away during the past year.

CONGRATULATIONS

Cllrs Maqena and Tladi delivered speeches on the 16 days of activism-campaign launched against violence against women and children. (Attached as **Annexures A and B.**)

9. DEPUTATIONS AND INTERVIEWS

None

10. DISCLOSURE OF INTEREST

A70/2004

11. MINUTES OF THE PREVIOUS MEETINGS

IT WAS RESOLVED (30 NOVEMBER 2004)

11.1 That the minutes of the Special meeting of the Council held on 23 September 2004 be **APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting.

IV

- 11.2 That the minutes of the Continuation of the Special meeting held on 30 September 2004 be **APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting.
- 11.3 That the minutes of the Ordinary meeting of Council held on 5 October 2004 be **APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting.
- 11.4 That the minutes of the Special meeting held on 2 November 2004 be **APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting subject to the following amendment as confirmed by the Speaker:

Attendance List: *Inclusion that Cllr RR Alexander submitted an Apology.*

- 11.5 That the minutes of the Continuation of the Special meeting held on 9 November 2004 be **APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting subject to the following amendment as confirmed by the Speaker:

Attendance List: *Inclusion that Cllr RR Alexander submitted an Apology.*

12. FORMAL SIGNING OF MINUTES

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

13. MATTERS ARISING FROM THE MINUTES

None

14. QUESTIONS OF WHICH NOTICE WAS GIVEN

None

15. REPORTS OF THE EXECUTIVE MAYOR AND COMMITTEES

The Acting Executive Mayor, Cllr TD Khalipha, requested a moment of silence for the late Me J Khoali, Chairperson of the NCOP who passed away the previous week.

A71/2004 – A82/2004, A84/2004 and A85/2004

V

16. REPORTS OF DECISIONS TAKEN UNDER DELEGATED POWERS

The Acting Executive Mayor presented his report on decisions taken under delegated powers and the resolution in this regard is on **page 11, Item A86/2004** of these minutes.

The Acting Executive Mayor informed Council that a petition was received on the selling of Park Erf 1095, St Helena, Welkom, Item MC 194/2004.

MC194/2004

APPLICATION TO PURCHASE PARK ERF 1095 ST HELENA WELKOM: TUSCAN MOOD CC (8/3/2/8) (MMC:HDEM)

COUNCIL RESOLVED (30 NOVEMBER 2004)

[Exec.Mayor]

That the matter **BE KEPT IN ABEYANCE** until the next Council meeting scheduled for January 2005.

17. MOTIONS

None

18. CLOSURE

The Speaker informed the Council that a letter was received from NUM – Harmony Mine Health and Safety to invite all Councillors to attend the Anti-retroviral Expo on 5 December 2004 at 10:00 at Saaiplaas Primary School. Councillors were requested to confirm their attendance.

The meeting ended at **17:35**.

.....
TV MATSEPE (SPEAKER)

.....
DATE

A69/2004

CONDUCT: CLLR MM MATSUBUKANYE (MM) (3/1/3/3) (P1 : ANNEXURE P1 – 2)

//The Speaker vacated the Chair and the Municipal Manager took over for the duration of the discussions of this matter.//

The Speaker informed the Council that no response was received from Cllr Matsbukanye and that he was not present in the meeting and did not submit an apology.

PURPOSE

To submit a report to the Council in terms of the possible contravention of the Municipal Systems Act and Council's Standing Rules and Orders by Cllr MM Matsbukanye.

COUNCIL RESOLVED (30 NOVEMBER 2004)

- [MM] 1. That Cllr Matsbukanye **BE REMOVED** as a councillor with immediate effect.
- [MM] 2. That the MEC **BE REQUESTED** to remove Cllr MM Matsbukanye from office.

A70/2004

DISCLOSURE OF INTEREST : COUNCILLOR BA MONTSHIOA (3/1/1) (MCA) (P6 : ANNEXURE P3)

//Cllr BA Montshioa recused himself for the duration of the discussion of this item.//

Dr Marais requested information on the involvement of companies and councillors with the Municipality.

The Municipal Manager informed the Council that Cllr Montshioa's company was not involved in any dealings with the Municipality.

PURPOSE OF THE REPORT

To submit to Council information regarding the interest of Councillor BA Montshioa.

COUNCIL RESOLVED (30 NOVEMBER 2004)

- [MCA] 1. That the disclosure of interest of Councillor BA Montshioa 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**.
2. That full details on the involvement of councillors and their companies with the municipality **BE SUBMITTED** with the minutes.

A71/2004

MONTHLY FINANCIAL REPORT: JULY 2004 (6/12/2/1) (CFO) (P7 : ANNEXURE P4 – 8)

PURPOSE

To inform Council regarding the financial results for the period 01/07/2004 to 31/07/2004.

Cllr Tshabangu explained that people would be recruited from the wards to work with the ward councillors and that they would be paid from the Revenue Enhancement Programme.

This would be a once-off project and the details of recruitment and payment would be dealt with administratively and the information would be submitted to Council at a later stage.

COUNCIL RESOLVED (30 NOVEMBER 2004)

[CFO]

1. That the cutting off of services **MUST BE IMPLEMENTED**.
2. That ward-based officials **MUST VISIT** households to inform them why they should pay for services.
3. That all financial statements **MUST SHOW** who compiled it and who checked/verified its accuracy.
4. That a summary report on the financial position and results **MUST BE INCLUDED**.

A72/2004

MONTHLY FINANCIAL REPORT: AUGUST 2004 (6/12/2/1) (CFO) (P8 : ANNEXURE P9 – 13)

//Cllr Tshabangu submitted an amended report.//

The MMC: Finance indicated that the report indeed reflects a deficit of R5 million and not a surplus of R11 million.

PURPOSE

To inform Council regarding the financial results for the period 01/07/2004 to 31/07/2004.

3

COUNCIL RESOLVED (30 NOVEMBER 2004)

- [CFO]
1. That the actions taken and results **MUST BE REPORTED** in all future monthly financial reports so that progress could be monitored.
 2. That the indigent list **MUST BE UPDATED** properly and those who were not indigent **MUST BE SUED**.
 3. That companies like the SAPS, Correctional Services, Teachers, Pick 'n Pay **MUST BE IDENTIFIED** and the stop order facilities **BE IMPLEMENTED** and account holders **BE INFORMED** of such facilities.
 4. That the progress on the actions taken **BE MONITORED CLOSELY** to ensure progress.
 5. That officials who constantly give wrong information **MUST BE DISCIPLINED**.

A73/2004

SAMPLE ANNUAL FINANCIAL STATEMENTS IN TERMS OF GAMAP (6/12/2/1) (CFO) (P9 : ANNEXURE P14 – 31)

PURPOSE OF REPORT

To submit to the Council a sample of the Annual Financial Statements in terms of GAMAP.

COUNCIL RESOLVED (30 NOVEMBER 2004)

- [CFO]
- That the sample of the Annual Financial Statements in terms of GAMAP **BE NOTED**.

A74/2004

SUPPLY CHAIN MANAGEMENT POLICY (AEMCS) (11/1B) (P10 : ANNEXURE P32 – 55) (SEPARATE COVER x 2)

PURPOSE

To submit the proposed Supply Chain Management Policy as prescribed by section 111 of the Municipal Finance Management Act.

To obtain approval to implement the said policy.

COUNCIL RESOLVED (30 NOVEMBER 2004)

- [AEMCS] 1. That the draft Supply Chain Management Policy **BE FORWARDED** to the Section 80 Committees for their inputs.
2. That the policy **BE PUBLISHED** for public comments and **BE SUBMITTED**, with the inputs, at the Council meeting scheduled for January 2005.

A75/2004

BURSARY SCHEME (6/4/2/1)(EMHR) (P13 : ANNEXURE P56) (SEPARATE COVER)

PURPOSE

To request Council to approve the Bursary Scheme to be administered by the Office of the Executive Mayor.

COUNCIL RESOLVED (30 NOVEMBER 2004)

- [AEMHR] That the Bursary Scheme to be administered by the Office of the Executive Mayor **BE ADOPTED** and **IMPLEMENTED** as a policy of Matjhabeng Municipality regarding the assistance by the municipality in the development of its young people.

A76/2004

DRAFT POLICY ON ADVERTISING SIGNS (18/4/14/1) (MLS) (P16 : SEPARATE COVER)

PURPOSE

To submit a draft policy on Advertising Signs for approval.

COUNCIL RESOLVED (30 NOVEMBER 2004)

1. That the draft policy on Advertising Signs **BE ACCEPTED** as Council's policy.
- [AEMCS] 2. That the draft policy **BE PUBLISHED** for comments from the public and it be submitted to the next Council meeting in January 2005.
- [CEMES]
[MLS] 3. That the rights of existing agreements **BE INVESTIGATED** and **BE TAKEN INTO CONSIDERATION**.

A77/2004

ESTABLISHMENT OF A MUNICIPAL ENTITY FOR ECONOMIC DEVELOPMENT AND MARKETING FOR THE MATJHABENG LOCAL COUNCIL BY CONVERTING THE EXISTING SECTION 21 COMPANY INTO A PRIVATE COMPANY (EMEDSP) (3/3/20) (P18 : ANNEXURE P57 – 115)

PURPOSE OF THE REPORT

The purpose of this report is to obtain the necessary resolutions on a number of matters from Council that is necessary to be able to apply for the registration of a private company with the Registrar of Companies.

COUNCIL RESOLVED (30 NOVEMBER 2004)

- [EMEDSP] 1. That Council **APPROVES** the following name, abbreviation and alternative names in order to be able to apply for registration of the new private company as municipal entity:

Matjhabeng Economic and Development Agency

Abbreviated form: MEADA

Alternative names:

Matjhabeng Business Development Centre

Matjhabeng Economic Empowerment Company

Matjhabeng Local Economic Development Centre

Matjhabeng Economic Development and Marketing Agency

- [MM] 2. That the Call for Nominations: Board of Directors document **BE APPROVED** and that the Office of the Municipal Manager be instructed to place it in national newspapers.

- [MM] 3. That the Notice on the establishment of a municipal entity to the local community **BE APPROVED** and the Office of the Municipal Manager be instructed to place the notice without delay.

- [MM] 4. That the pro forma letter to Ministers and MEC's **BE APPROVED** and sent out by the Office of the Municipal Manager to all the relevant stakeholders with immediate effect.

5. That Council **APPROVES** the following mandate and thrusts to be the demarcated area of operation of the new municipal entity:

6

Mandate

To effectively co-ordinate, facilitate, implement and monitor all facets of economic growth and development in Matjhabeng through a process of continuous strategic choices over time in such a manner that these actions will effectively produce a conducive environment where the socio-economic aspirations of the entire community can be guaranteed and where such a potential for economic growth and welfare of people can be successfully marketed to the global world.

Thrusts

Economic Diversification through implementation of the Five Sector Strategy
Business Development and Promotion
Industrial and Commercial Development
Emerging Business Development

Economic Research and Database compilation
Strategic Planning
Funding

That Council **APPROVES** that the Board of Directors will consist of 7 Directors.

That Matjhabeng Council **COMMITTS** itself to fund and/or co-fund the Municipal Entity for a period of at least 5 years in order to allow it to become self-sustainable.

That the Matjhabeng Council **COMMITTS** itself to make available allocations as it may afford for the activities of the entity. That the CEO of the entity complies with the Municipal Finance Management Act.

That Council **APPOINTS** its non-participating representative(s) to the Board of Directors of the Municipal Entity and that all other report mechanisms as prescribed in terms of Clause 93D of the Municipal Systems Amendment Act No 44 of 2003 be finalized administratively.

[MM] 10. That the Municipal Manager **BE TASKED** to apply to the Development and Support Agency of the Industrial Development Corporation for funding assistance once all the relevant resolutions have been adopted.

[MM]
[EMEDSP] 11. That the Municipal Manager **BE TASKED** to research service contracts and to submit proposals in this regard by the next Mayoral Committee meeting.

12. That the CEO of the entity **BE INSTRUCTED** to submit an organogram of the Municipal Entity to the board for approval in terms of Council's directions.

[MLS] 13. That the Manager Legal Services **BE INSTRUCTED** to finalise the Articles of Association to be tabled at the next meeting of the Mayoral Committee.

[MLS] 14. That the Manager Legal Services **BE INSTRUCTED** to register the new municipal entity in line with all the abovementioned resolutions with the Registrar of Companies and co-ordinate the registering of the new entity and disestablishment of the FGFDC in such a way that it happens simultaneously.

[EMEDSP] 15. That the Executive Manager ED & SP **BE INSTRUCTED** to co-ordinate that with the disestablishment process of the FGFDC, a final financial and asset audit be done and that all assets of the FGFDC be brought over to the new municipal entity.

That the Municipality may, from time to time, liaise and implement projects in conjunction with the Lejweleputswa District Municipality.

[MM]
[EMEDSP] 17. That the organogram of the entity **BE REFERRED BACK** to the Office of the Municipal Manager for further discussion and finalization thereof.

A78/2004

MINUTES OF THE MEETINGS OF THE INTERIM EXECUTIVE COMMITTEE (IEC 02.07.2004) AND (IEC 03.08.2004) (18/1/1) (EMED&SP) (P25 : ANNEXURE P116 – 123)

PURPOSE OF THE REPORT

To submit to members of the Section 80 Portfolio Committee the recent minutes for perusal and information.

COUNCIL RESOLVED (30 NOVEMBER 2004)

[EMEDSP] That the minutes of the Interim Executive Committee of the FGF held on 2 July 2004 and 3 August 2004 **BE NOTED**.

A79/2004

TELEPHONE USAGE POLICY (7/2/3) (AEMCS)(P26 : ANNEXURE P124 – 140)

PURPOSE

- (a) To submit a policy regarding the telephone usage of Council.
- (b) To obtain approval for the implementation thereof.

COUNCIL RESOLVED (30 NOVEMBER 2004)

- [AEMCS]
1. That the draft Telephone Usage Policy **BE NOTED** and it **BE CIRCULATED FOR COMMENTS** and submitted to Council during January 2005.
 2. That the Premicell function **BE IMPLEMENTED** with immediate effect.
 3. That speed dial numbers **BE USED** wherever possible.
 4. That those officials, who spend hours on the phone for private calls and despite being charged monthly for the costs, also **BE DISCIPLINED** for poor performance/productivity.
 5. That a monthly telephone report regarding the whole Matjhabeng area **BE SUBMITTED** to the Mayoral Committee via the MMC: Corporate Services and the Department Corporate Services.
 6. That various functions on the telephone system **BE ADDRESSED**, e.g. language preference, reason for phoning, etc.

A80/2004

SCHEDULE : COUNCIL AND STANDING COMMITTEE ROSTER (3/1/3/1)
(AEMCS) (P31 : ANNEXURE P141 – 166)

PURPOSE

To submit the proposed Roster for Council Meetings and various Standing Committees Meetings for 2005 for information.

COUNCIL RESOLVED (30 NOVEMBER 2004)

- [AEMCS]
1. That the schedule of meetings for 2005 **BE APPROVED** with the exclusion of those dated reserved for special Council meetings.
 2. That the due dates to submit an item for inclusion in any of the agendas of Council and / or its meetings of at least 7 days prior to the intended meeting **BE APPROVED..**
 3. That the department that causes the delay for the distribution of an agenda **BE LIABLE** for the payment of overtime

A81/2004

DISCLOSURE OF INTEREST – PRIVATE WORK (5/5/5) (AEMCS) (P33 – ANNEXURE P167 – 170)

PURPOSE

To report back on those employees who applied for permission to perform additional work.

To obtain approval to implement the said policy.

COUNCIL RESOLVED (30 NOVEMBER 2004)

- [AEMCS]
1. That the draft policy on Conditions for Permission to Perform Private Work **BE CIRCULATED FOR COMMENTS** and submitted to Council during January 2005.
 2. That an item on employees who applied for permission to perform additional work **BE SUBMITTED** as soon as Council approved the policy.

A82/2004

REVIEW: CREDIT CONTROL AND DEBT COLLECTION POLICY DOCUMENT (6/4B) (CFO) (P35 : SEPARATE COVER)

PURPOSE

To submit a review of the Credit Control and Debt Collection Policy document for Matjhabeng Municipality for approval.

COUNCIL RESOLVED (30 NOVEMBER 2004)

- [CFO]
1. That point 15.1 of the Policy Document be corrected to read as follows:

*Children who **have** lost both parents and who have inherited fixed property and subject to the **inability** of the estate to pay arrear municipal accounts can register as indigents and the municipality can write off the arrears on such fixed property **due to** the municipality, only if such property is to be registered in the names of such orphans.*
 2. That the amended reviewed Credit Control and Debt Collection Policy **BE APPROVED** and **ADVERTISED** for further comments to be submitted to Council during January 2005.

A83/2004

RESIGNATION: REPRESENTATIVE LEJWELEPUTSWA DISTRICT COUNCIL (15/2/1/28) (AEMCS) (Office of the Speaker) (P36 : ANNEXURE P171)

PURPOSE

To submit to Council Cllr RR Alexander's resignation as Council's representative at Lejweleputswa District Council.

COUNCIL RESOLVED (30 NOVEMBER 2004)

[AEMCS] That the resignation of Cllr RR Alexander as Council's representative at Lejweleputswa District Council **BE NOTED**.

A84/2004

THE BULK WATER SUPPLY CONTRACT BETWEEN MATJHABENG MUNICIPALITY AND SEDIBENG WATER. (CEMES) (19/2/9) (P37 : ANNEXURE P172 – 237)

PURPOSE OF THE REPORT

To submit the final Bulk Water Supply contract to Council for approval and to obtain permission to sign the contract.

COUNCIL RESOLVED (30 NOVEMBER 2004)

[CEMES] 1. That the Bulk Water Services Contract **BE APPROVED**.

That permission **BE GRANTED** to sign the contract.

That the Ad hoc Committee continue to exist and directly account to the Executive Mayor and to deal with the following:

- 3.1 The development of Water Services Development Plan and related matters thereof.
- 3.2 That the necessary resources be made available for the Ad hoc Committee to function.
- 3.3 That the Ad hoc Committee may be assisted by experts in different fields of their operations and be able to interact with relevant national and provincial departments for assistance and advice.
- 3.4 That the Ad hoc Committee must have the authority to investigate any matter related to its function and further to summons, interview any person who may assist in its work.
- 3.5. That the Ad hoc Committee submits its monthly progress report and recommendations to the Executive Mayor.

A85/2004

MATJHABENG MUNICIPALITY: PAY-DAY FOR DECEMBER 2004 (5/4/1)
(CFO) (P39 : ANNEXURE P245)

PURPOSE

To obtain approval from Council regarding pay-day for December 2004.

IT WAS RESOLVED BY THE EXECUTIVE MAYOR (17 NOVEMBER 2004

[CFO]

1. That Council **APPROVES 17 December 2004** as pay-day for December 2004.
2. That the Municipal Manager formally **INFORMS** all the municipal staff.
3. That the Finance Department must **ENSURE** that necessary processes to facilitate early salary payments are put in place.
4. That the Municipal Manager and the Chief Financial Officer in future **DETERMINE** the date for payment of salaries during December months administratively.
5. That employees **BE ADVISED** to plan their finances carefully seeing that the early payment of salaries in December would effect a very long month.

A86/2004

REPORT ON DECISIONS TAKEN UNDER DELEGATED POWERS (3/1/2)
(MM) (EXECUTIVE MAYOR'S REPORT PAGE 1 – 32)

IT WAS RESOLVED (30 NOVEMBER 2004)

[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. MC192/2004 to MC194/2004, MC196/2004 to MC199/2004, MC202/2004 to MC219/2004, MC221/2004 to MC232/2004, MC234/2004 to MC238/2004 and MC240/2004, MC241/2004 to MC249/2004 and MC251/2004 **BE CONFIRMED.**

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