

# **MINUTES**

**3<sup>rd</sup> SPECIAL COUNCIL MEETING**

**of**

**MATJHABENG MUNICIPALITY**

**held on**

**12 JULY 2005**

**at**

**16:00**

**COUNCILLORS PRESENT : 3<sup>rd</sup> SPECIAL COUNCIL MEETING :  
12 JULY 2005**

**ANC**

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

**DA**

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



**PAC**

| <b>PROPORTIONAL</b> |          |
|---------------------|----------|
| 72.                 | Majoe TS |

The Speaker informed the meeting that after receiving the written application for leave of absence from Cllr Mashinini regarding the previous meeting held on 10 June 2005, the apology was accepted.

### **OFFICIALS**

|                   |   |  |
|-------------------|---|--|
| Mr RN Pitso       | - | Acting Municipal Manager   |
| Mr V Adonis       | - | Corporate Executive Manager: Community Services and Social Development |
| Mr TR Shiringani  | - | Acting Executive Manager: Corporate Services                           |
| Dr K van der Walt | - | Executive Manager: Economic Development and Spatial Planning           |
| Me AC Schoeman    | - | Administrative Officer   |

### **1. OPENING**

Cllr JH Edeling opened the meeting with a prayer.

### **APPLICATIONS FOR LEAVE OF ABSENCE**

See Attendance List above.

### **3. OFFICIAL ANNOUNCEMENTS BY THE SPEAKER**

**3.1** The Speaker congratulated the following Councillors on their birthdays:

|                   |         |
|-------------------|---------|
| Cllr N Mhlaba     | 2 July  |
| Cllr MI Ikaneng   | 16 July |
| Cllr BA Montshioa | 28 July |

### **3.2 Announcement by the Executive Mayor**

Before submitting the matters for discussion the Executive Mayor read a message to congratulate and thank the three residents from Matjhabeng, Messrs Emmenis, Rothman and Barnard, who heroically rescued Mr Dell from his aircraft when it crashed at an air show in Durban.

### **4. DISCLOSURE OF INTEREST**

None



### **ITEMS FOR DISCUSSION**

The Speaker welcomed the Auditor General at the meeting and requested Items SA12/2005 and C3/2005 be dealt with at the end of the meeting as Item C3/2005 must be discussed in camera.

The Executive Mayor presented items SA12/2005 to SA15/2005 and C3/2005, which were discussed and the resolutions in this regard are on pages **1 - 3** of the minutes.

### **CLOSING**

The meeting terminated at **1745**.

\_\_\_\_\_  
**TV MATSEPE (SPEAKER)**

\_\_\_\_\_  
**DATE**

SA12/2005

**REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS AND RESULTS OF PERFORMANCE MEASUREMENT OF MATJHABENG LOCAL MUNICIPALITY FOR THE YEAR ENDED 30 JUNE 2004 (12/1/2/1) (AMM - MIA)**

**PURPOSE**

To submit the report in terms of section 4(3)(c) of the Auditor-General Act, 1995 (Act No. 12 of 1995).

The Auditor General was afforded the opportunity to present a brief summary of the reports to Council and mentioned that an audit opinion could not be expressed on the financial statements, owing to the significance of the matters referred to in the report.

Councillors were afforded the opportunity to raise questions.

**COUNCIL RESOLVED (12 JULY 2005)**

[AMM-MIA] That Council **TAKES NOTE** of the report and **REFERS IT** to the Performance Audit Committee for consideration.

SA13/2005

**DRAFT DELEGATED POWERS (AMM) (3/1/2) (3/2/2)**

**PURPOSE OF THE REPORT**

To submit the new set of Draft Delegated Powers to the Council for approval.

**COUNCIL RESOLVED (12 JULY 2005)**

- [AMM]
1. That the current Delegated Powers **CONTINUES TO EXIST**, but should there be a conflict with the MFMA, the Act would supersede the Delegated Powers.
  2. That Council **ADOPTS** the new draft Delegated Powers as a working document.
  3. That the Speaker **MUST CALL** a one-day workshop for Councillors on the new draft Delegated Powers within 30 days and that the end-result **BE SUBMITTED** to Council for adoption.

SA14/2005

**PROPOSED MACRO ORGANISATIONAL STRUCTURE (AMM) (2/1)**

**PURPOSE OF REPORT**

To submit the proposed Macro-level structure to Council for approval.

**COUNCIL RESOLVED (12 JULY 2005)**

[AMM]

That Council **APPROVES** the structural arrangement of the Macro organisational structure in principle subject to the following, to allow Councillors to interrogate the structure, before final approval:

That Council **DELEGATES** the Executive Mayor to approve the Micro Structure within the approved budget limit and **REPORT** to Council before finalisation.

2. That a process of consultation with the Labour Unions and affected parties **BE DONE**.
3. That job profiles for the four Heads of Department, the Chief Operating Officer, the Municipal Manager and the six Service Delivery Managers **MUST BE SUBMITTED** to the next Council meeting.
4. That job evaluations, including an updated Remuneration Policy and Implementation Plan, **MUST BE SUBMITTED** to the next Council meeting.
5. That a draft Performance Agreement **MUST BE SUBMITTED** at the next Council meeting.
6. That the whole process **MUST BE COMPLETED** by the end of August 2005.
7. That an Employment Separation Policy **MUST BE SUBMITTED** at the next Council meeting.
8. That the Budget implication on the macro structure and the payroll implication **MUST BE SUBMITTED** to the next Council meeting.

SA15/2005

**PROPOSED CODE OF GOOD PRACTICE AND POLICY: SUPPLY CHAIN MANAGEMENT AND PREFERENTIAL PROCUREMENT (AMM) (11/1/B)**

**PURPOSE OF REPORT**

To present the proposed Code of Good Practice and Policy: Supply Chain Management and Preferential Procurement to Council for consideration.

**COUNCIL RESOLVED (12 JULY 2005)**

[AMM]

1. That Council **ADOPTS** the proposed Code of Good Practice and Policy: Supply Chain Management and Preferential Procurement, as a working document of Council until finality on the Supply Chain Management Policy Model by National Treasury is reached.
2. That the document **BE PUBLISHED** for public comments.

C3/2005

**REPORT OF THE AUDITOR-GENERAL TO THE COUNCIL OF THE MATJHABENG LOCAL MUNICIPALITY ON THE FORENSIC AUDIT INVESTIGATION INTO ALLEGED IRREGULARITIES AT THE MATJHABENG MUNICIPALITY (6/12/2/1)(AMM)**

//Council went in-committee for the discussions on the following matter.//

**PURPOSE**

To re-submit the report to Council in the presence of the Auditor-General.

The matter of confidentiality on the Forensic Audit report was discussed and it was decided that all Auditor-General Reports as well as Forensic Audit reports must be tabled in ordinary Council meetings where the public will be present. (See Schedule 1 of the Code of Conduct of Councillors and Schedule 2 of the Code of Conduct of Municipal Employees)

The Auditor- General submitted his findings and

**COUNCIL RESOLVED (12 JULY 2005)**

1. That the report of the Auditor-General to the Council on the Forensic Audit Investigation into alleged irregularities at the Matjhabeng Municipality **BE NOTED**.
2. That in future all Auditor-General reports and Forensic Audit reports **BE TABLED** in ordinary Council meetings where the public would be present.

3. That the ad-hoc committee appointed to investigate the matter **MUST IMPLEMENT** the decisions and findings of the Auditor-General and **RECOMMEND** the issuing of summonses for the recovery of funds and the possible institution of disciplinary actions **MUST BE LOOKED AT.**



# INDEX

| ITEM NO   | ITEM  | CLASSIFICATION             | PAGE |
|-----------|---|----------------------------|------|
| SA12/2005 | REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS AND RESULTS OF PERFORMANCE MEASUREMENT OF MATJHABENG LOCAL MUNICIPALITY FOR THE YEAR ENDED 30 JUNE 2004 (12/1/2/1) (AMM-MIA)  | Sound Financial Management | 1    |
| SA13/2005 | DRAFT DELEGATED POWERS (AMM) (3/1/2) (3/2/2)  | Effective Governance       | 1    |
| SA14/2005 | PROPOSED MACRO ORGANISATIONAL STRUCTURE (AMM) (2/1)   | Effective Governance       | 2    |
| SA15/2005 | PROPOSED CODE OF GOOD PRACTICE AND POLICY: SUPPLY CHAIN MANAGEMENT AND PREFERENTIAL PROCUREMENT (AMM) (11/1B)   | Effective Governance       | 3    |
| C3/2005   | <p><b>CONFIDENTIAL</b></p> <p>REPORT OF THE AUDITOR-GENERAL TO THE COUNCIL OF THE MATJHABENG LOCAL MUNICIPALITY ON THE FORENSIC AUDIT INVESTIGATION INTO ALLEGED IRREGULARITIES AT THE MATJHABENG MUNICIPALITY (6/12/2/1) (AMM)</p> | Sound Financial Management | 3    |