

MINUTES

5TH SPECIAL COUNCIL MEETING

of

MATJHABENG MUNICIPALITY

held on

7 DECEMBER 2006

at

10:00

COUNCILLORS PRESENT: 5TH SPECIAL COUNCIL MEETING: 7 DECEMBER 2006

ANC

PROPORTIONAL			
1.	Mokapo NS (Executive Mayor)	14.	Radebe ML
2.	Baaitjies M	15.	Ramaisa KA
3.	Dlova TW	16.	Senoge MM
4.	Humphries MF	17.	Sephiri MJ (Chief Whip)
5.	Masoka NL	18.	Speelman NW (Written apology)
6.	Matlabe MMT	19.	Thoabala TE
7.	Matosa AN	20.	Thuthani ZA
8.	Ntsebeng MH	21.	Tladi RE
9.	Noveld ZP (Written apology)	22.	Tlhone ML
10.	Molefi MJ (Written apology)	23.	Tsubane ME
11.	Nyembe ME (Written apology)	24.	Twanana M
12.	Petleki KI	25.	Vanga NM (Absent)
13.	Qabela V		
WARD			
26.	Dlamini SC	42.	Montshioa BA
27.	Kotzee AP	43.	Motshabi MP
28.	Mahloko NN	44.	Mphikeleli MA
29.	Majwede MC	45.	Nakwa TA
30.	Makgowe PV	46.	Ntsala SN
31.	Mankayi NE	47.	Peterson E
32.	Manzana NR	48.	Radebe LLF
33.	Masienyane MD	49.	Rubulana L (Speaker)
34.	Mathebula MA (Written apology)	50.	Sebeela SD
35.	Mfebe MSE	51.	Sejane LM
36.	Mkhusane NC	52.	Semela ME
37.	Moahloli MS	53.	Sithole B
38.	Mokapo TJ	54.	Taliwe FE
39.	Mokhuma MS (Written apology)	55.	Themhani PP
40.	Mokobori KE	56.	Tsatsa SJ
41.	Monjovo NE	57.	Khalipha TD (Absent)

II

DA

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

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 TR Shiringani : Manager: Council Administration
Me M Finger : Administrative Officer (Corporate Services)

III

1. **OPENING**

Councillor TE Thoabala opened the meeting with a prayer.

2. **APPLICATIONS FOR LEAVE OF ABSENCE**

See Attendance List above.

3. **OFFICIAL ANNOUNCEMENTS BY THE SPEAKER**

3.1 The Speaker announced that South Africa is in a period of 16 Day of Activism against women and children abuse. However he indicated that men would be marching on 8 December 2006, from Lejweleputswa District Municipality to Matjhabeng Municipality in realization of 16 Day of Activism against women and children abuse and as such all male Councillors were invited.

3.2 The Speaker announced that after the meeting there would be a photo shooting for all Councillors.

4. **DISCLOSURE OF INTEREST**

None

5. **REPORTS RECEIVED FROM THE OFFICE OF THE SPEAKER**

SA13/2006 – SA15/2006

6. **REPORTS OF THE EXECUTIVE MAYOR**

SA16/2006 – SA24/2006

7. **CLOSING**

The Speaker adjourned the meeting at **12:00**.

L RUBULANA (SPEAKER)

DATE

SA13/2006

**PROPOSED RE-DETERMINATION OF MUNICIPAL BOUNDARIES
(OFFICE OF THE SPEAKER) (18/1/1) (P 1 : ANNEXURES P 1 – 3)**

PURPOSE OF THE REPORT

The purpose of the report is to inform the Council about the proposed Re-determination of Municipal boundaries.

COUNCIL RESOLVED : (7 DECEMBER 2006)

That Council **ACCEPTS** the proposed re-determination of Municipal Boundaries by including the Aldam and adjacent portions, Willem Pretorius Game Reserve, portions of the farms Summerfield, ErfBloem, Spring Valley, Luna and Bon Accord, Hogitogi, Cornelia, Dornberg and Boschklouf from Setsoto Local Municipality and Thabo Mofutsanyane District Municipality, and by including them into Matjhabeng Local Municipality and Lejweleputswa District Municipality.

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)**

PURPOSE OF THE REPORT

To submit the report to Council for consideration as the Speaker was tasked to deal with the issue of Councillors.

COUNCIL RESOLVED : (7 DECEMBER 2006)

That the item **BE WITHDRAWN** from the Agenda because enough information was not submitted and **IT BE SUBMITTED** at the next Ordinary Council Meeting to be held in January 2007.

A15/2006

REPORT OF COMMITTEE INVESTIGATING SUSPECTED BREACHES OF THE CODE OF CONDUCT BY COUNCILLORS: FALKIA CONSULTANTS (SPEAKER) (6/12/2/1) (P 5)

PURPOSE OF THE REPORT

To submit the report to Council for consideration as the Speaker was tasked to deal with the issue of Councillors.

COUNCIL RESOLVED : (7 DECEMBER 2006)

That the item **BE WITHDRAWN** from the Agenda because enough information was not submitted and **IT BE SUBMITTED** at the next Ordinary Council Meeting to be held in January 2007.

SA16/2006

DRAFT POLICY: MAYORAL BURSARY (EXUCUTIVE MAYOR) (6/4/2/1) (P 7 : ANNEXURES P 4 – 8)

PURPOSE OF REPORT

To request Council to approve the attached Draft Policy as the Policy of Matjhabeng Municipality.

Proposal by the Executive Mayor

That the proposed Draft Policy: Mayoral Bursary be adopted as a Council's Policy.

Proposal by Councillor (Dr) JS Marais

1. That the Bursary Committee shall be proportionally represented.
2. That under 5.1 Bullet No two (2) wavering be deleted.

The matter was put on the vote:

50 votes supported the proposal by the Executive Mayor.
8 votes supported by Counillor (Dr JS Marais).

COUNCIL RESOLVED : (7 DECEMBER 2006)

That the proposed Draft Policy: Mayoral Committee **BE ADOPTED** as a Council's Policy.

SA17/2006

**ESTABLISHMENT OF MATJHABENG MAYORAL BURSARY SCHEME
(EXECUTIVE MAYOR) (6/4/2/1) (P 8)**

PURPOSE

To request the Council to grant the Executive Mayor responsibility to establish Matjhabeng Mayoral bursary scheme.

COUNCIL RESOLVED : (7 DECEMBER 2006)

1. That Council **GRANTS** the Executive Mayor responsibility to establish a Mayoral bursary scheme.
2. That ten (10) students **BE AWARDED** bursaries for 2007 academic year onwards inline with criteria outlined
3. That the increase in an amount budgeted **BE DONE** in line with the Municipal Financial Management Act (MFMA) Section 28 (5).
4. That under Mission Statement Point 5 with the inclusion of, “and other relevant fields.

SA18/2006

**REQUEST TO WRITE-OFF DEBTS PERTAINING TO PANTHER PROPERTY
PROJECTS (EXECUTIVE MAYOR) (6/10/1) (P 10 : ANNEXURES 9 – 21)**

PURPOSE

To request council to write-off debts pertaining to Panther Property Projects to enable the municipality to issue clearance certificates.

COUNCIL RESOLVED : (7 DECEMBER 2006)

1. That Council **WRITES OFF** the debt in the sum of R412, 807.01 of all the households that have received housing subsidies on condition that they qualify to be registered as indigents.
2. That for those that do not qualify as indigents, Council **SHOULD WAIVE** the restraint on transfer of property on condition that the owners will remain indebted to Council and will have to make arrangements to liquidate their debts.

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3. That those arrears for the remaining 22 that in the amount of R 366,687.44 **BE WRITTEN OFF** as they are approved by the Department of Local Government and Housing, subject to them qualifying as indigents.
4. That recommendation 3 **WILL BE SUBJECT** to the provision of recommendation 2.
5. That a report on progress **TO BE SUBMITTED** to Council.
6. That Council **DELEGATES** the Executive Mayor the powers to finalize all other matters relating to restraint on transfer of property and the writing off debts **BE DEALT** with by Council.

SA19/2006

REPORT ON HARMONY MINE HOSTEL REDEVELOPMENT PROPOSAL (MM) (9/3/13) (P 12: ANNEXURES P 22 – 24)

INTRODUCTION AND BACKGROUND

Harmony Gold Mine submitted a proposal to the council to redevelop its hostels from single sex hostel to acceptable family accommodation. The council considered the proposal in its ordinary meeting held on 31st October 2006 per Item A69/200 and resolved as follows:

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.

COUNCIL RESOLVED: (7 DECEMBER 2006)

1. That Council **SUPPORTS** in principle the development as private sector initiative.
2. That the development **BE INTEGRATED** into the Alma Development Project.
3. That a Steering Committee **BE ESTABLISHED TO CO-ORDINATE** the process.
4. That the costs related to this project **SHOULD BE** in line with the overall Alma Development Project.

SA20/2006

APPOINTMENT OF EXECUTIVE DIRECTORS (2/1) (MM) (P 13)

PURPOSE

To submit to the list of recommended candidates for appointment to Council for approval

COUNCIL RESOLVED : (7 DECEMBER 2006)

The Executive Mayor indicated to Council due to the important nature of the interviews, she decided to deviate from using the approved interviewing panel in terms of the recruitment and selection process and appointed the following individuals to the panel:

- **Dr B Malakoane - Municipal Manager**
- **Mr S Besani - Municipal Manager : Lejweleputswa District Municipality**
- **Mr T Mohapi - Hlangana Human Capital**
- **Mr M Lerata - Manager: Labour Relations (SALGA)**
- **Cllr ZP Noveld - MMC: Corporate Services**

1. That Council **CONDONES** the decision of the Executive Mayor to alter the composition of the interviewing panel.
2. That Candidates for the advertised positions **BE APPOINTED** with immediate effect as indicated below:

- **EXECUTIVE DIRECTOR: INFRASTRUCTURE**

TA Ngozwana

- **CHIEF OPERATIONS OFFICER**

Limakatso Moorosi

- **CORPORATE SUPPORT SERVICES**

Moeketsi Moletsane

- **SOCIAL SERVICES AND LAW ENFORCEMENT**

KR Maloka

3. That Council **NOTE** the total financial implications of R3, 612, 011 as adjusted downwards.

SA21/2006

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

PURPOSE

To present to Council a report on an independent Legal opinion sought as per resolution A60/2006.

COUNCIL RESOLVED : (7 DECEMBER 2006)

1. That Council **RESCIND** the resolution (1) taken under item A60/2006 of 29th August 2006
2. That the legal advice **BE NOTED**.
3. That business sites **BE SOLD** in terms of the Matjhabeng Supply Chain Management Policy.
4. That the application for the rezoning **BE CONSIDERED** in relation to the Matjhabeng Land Use Management Plan.
5. That a Policy on the Alienation of Residential and Church Sites **BE DEVELOPED AND SUBMITTED** at the Council Meeting to be held in January 2007.
6. That the process of the alienation of land **BE FINALISED** within 21 days.

SA22/2006

REPORT: CAPITAL EXPENDITURE FOR WHICH NO PROVISIONS WERE MADE IN THE BUDGET (EXECUTIVE MAYOR) (6/1/1/1 – 2006/07) (ADDENDUM P 16)

BACKGROUND

In the month of August 2006, it came to the attention of the Municipal Manager through the department of Finance that certain 2005/6 projects that were still running and were submitted for approval of payment by the PMU to the Municipal Manager had no provisions made for them in the current 2006/7 budget.

This matter was then brought to the attention of the Executive Mayor for commendation in terms of section 29 of the MFMA. The Executive Mayor approved expenditure on those projects according to the powers vested in her. A report was sought from the implicated departments on what led to the negligence probe in to the matter before can approving and table before the Council.

COUNCIL RESOLVED : (7 DECEMBER 2006)

1. That Council **TAKES NOTE** of the circumstances as indicated above.
2. That the other implicated official (Corporate Executive Manager: Engineering) has resigned in the interim and that offences committed while in the employ of the municipality **Still Remain** pertinent.
3. That the financial implications as a result of the intervention by the Executive Mayor **BE SUBMITTED** together with the Adjustment Budget.

SA23/2006

ALIENATION OF LAND FOR BUSINESS AND COMMERCIAL RESIDENTIAL PURPOSES (MM) (8/1/2/2) (ADDENDUM P 18)

PURPOSE

To seek Council endorsement on the processes to be followed to offer incentives to business and commercial residential developments within Matjhabeng Municipal jurisdiction in return for equity holding by the Municipality in those developments.

COUNCIL RESOLVED : (7 DECEMBER 2006)

1. That Council **ENDORSES AND/APPROVES** the following:

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That Supply Chain Management processes be applied in the identification and disposal of business and commercial residential sites/land for the purposes of equity ownership therein.

Incentive schemes and the value of equity ownership be determined on the merits of each case.

The Municipal Manager takes the responsibility of ensuring that items 1.1. and 1.2. above, are in compliance with the relevant legislations and policies governing developmental local government and ensure that the interest of Council are taken into account.

2. That reports with respect to the above **BE SUBMITTED** to Council annually.

SA24/2006

STATUS REPORT ON MIG PROJECTS (MM) (3/3/27) (ADDENDUM P 20: FURTHER ANNEXURES P 29 – 35)

PURPOSE

To submit to Council the current status report on MIG Projects.

COUNCIL RESOLVED : (7 DECEMBER 2006)

That Council **NOTE** the Status Report on MIG Projects.

OFFICIAL ANNOUNCEMENTS BY THE EXECUTIVE MAYOR

The Executive Mayor announced that Matjhabeng Municipality was in a process of finalizing a partnership with Harmony on the following projects:

1. **Mayoral Bursary Fund.**
2. **Mathematics and Science.**
3. **School infrastructure.**
4. **Matjhabeng Municipality Skills Audit.**
5. **Financial Management.**
6. **Engineering.**
7. **Revenue Collection.**
8. **Internal Audit.**
9. **Capacity Building.**
10. **Performance Management System.**
11. **Youth Management.**

12. **Newly establishment HIV/AIDS Council.**
13. **Supply Chain.**
14. **Women.**
15. **Alternative Matjhabeng Sustainable Economy.**
16. **Economic Development Summit planned for early next year.**
17. **Poverty alleviation.**
18. **Cargo Airport.**
19. **Project Management Unit.**
20. **IDP Reviews.**