

MINUTES

OF THE

**1ST ORDINARY MEETING
FOR THE YEAR 2005**

of

MATJHABENG MUNICIPALITY

held on

TUESDAY, 22 FEBRUARY 2005

at

16:00

COUNCILLORS PRESENT : COUNCIL MEETING : 22 FEBRUARY 2005

ANC

PROPORTIONAL			
1.	SJ (Executive Mayor)	15.	Ikaneng MI
2.	Matsepe TV (Speaker)	16.	Mafantire MJ
3.	Tsubane ME	17.	Mafongosi VZ (Absent)
4.	Menong KS (MMC)	18.	Mashinini NL
5.	Ramaisa KA (MMC)	19.	Potleki KI
6.	Tladi RE (MMC) (Sick Note)	20.	Radebe ML
7.	Thuthani ZA (MMC)	21.	Sephiri MJ
8.	Matosa AN	22.	Tlhone ML
9.	Matlabe MMT	23.	Vanga M
10.	Mbana MA	24.	Kotzee D
11.	Mokhathi PE	25.	Masoleng NI
12.	Bengu VV	26.	Kujoana MA
13.	Dali VN	27.	Motshabi MP
14.	Dlova TW		
WARD			
28.	Matsbukanye MM (Absent)	43.	Mfebe MSE
29.	Tshabangu SE (MMC)	44.	Mhlaba N
30.	Mohloli PP (Written Apology)	45.	Mokolutlo LA
31.	Mogole RR	46.	Montshioa BA (MMC)
32.	Liphoko SJ (Written Apology)	47.	Mosala MS
33.	Mokoena ME	48.	Nakwa TA
34.	Masienyane MD	49.	Ngangelizwe S
35.	Baaitjies M	50.	Radebe LLF (Written Apology)
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)
41.	Manzana NR	56.	Tsoene TD
42.	Masoka NL (Written Apology)	57.	Tsatsa SJ

II

DA

PROPORTIONAL			
58.	Fourie JJC (Written Apology)	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

PAC

PROPORTIONAL	
72.	Majoe TS

OFFICIALS

Mr RSB Sesele : Municipal Manager (**Sick Leave**)
Mr RC Spies : Corporate Executive Manager: Engineering Services
Mr JG Maritz : Acting Executive Manager: Corporate Services/
Acting Municipal Manager
Mr JKF Jankowitz : Senior Admin Officer (Corporate Services)

1. OPENING

Reverend Siyabonga Mthiya opened the meeting with a prayer.

2. APPLICATIONS FOR LEAVE OF ABSENCE

See Attendance List.

3. OFFICIAL ANNOUNCEMENTS OF THE SPEAKER

None

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

None

III

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

None

6. REPORTS RECEIVED FROM THE SPEAKER

A4/2005 – A8/2005

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

7. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

SYMPATHY

None

CONGRATULATIONS

The Speaker congratulated the following Councillors on their coming birthdays :

Clr B Bothma	09 March
Clr FF Mabuya	11 March
Clr HC Van Rooyen	18 March

8. MOTIONS OF SYMPATHY AND CONGRATULATIONS FROM OTHER MEMBERS

SYMPATHY

ANC

Councillor TD Khalipha sympathised with the family of the late Raymond Mhlaba, former Premier of the Eastern Cape, also the Leader of the Communist Party and Executive Member of the ANC.

IV

PAC

Councillor TS Majoe sympathised with the family of the late Raymond Mhlaba.

CONGRATULATIONS

The Speaker congratulated Councillor NL Petleki on her appointment as Councillor in the place of Councillor Alexander who resigned.

9. DEPUTATIONS AND INTERVIEWS

None

10. DISCLOSURE OF INTEREST

A1/2005 – A2/2005

11. MINUTES OF THE PREVIOUS MEETINGS

IT WAS RESOLVED (5 OCTOBER 2004)

- 11.1 That the minutes of the Ordinary meeting of the Council held on 30 November 2004 be **APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting.
- 11.2 That the minutes of the Special meeting of the Council held on 10 December 2004 be **APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting.
- 11.3 That the minutes of the 1st Special Council meeting of Council held on 25 January 2005 be **APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting in consideration with the following addition :

Councillors Present : 1st Special Council meeting held on 25 January 2005.

By addition of the names of the following Councillors :

**Councillor HC van Rooyen
Councillor D Kotzee
Councillor M Baaitjies**

V

The Speaker requested Councillors to ensure that they sign the Attendance Register, in future no apologies will be accepted for not signing the register.

12. FORMAL SIGNING OF MINUTES

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

13. MATTERS ARISING FROM THE MINUTES

A69/2004 : Conduct Councillor MM Matsbukanye

Councillor TS Majoe requested that progress made on the matter be indicated.

Councillor TV Matsepe (Speaker) indicated that letters were addressed to the MEC regarding the matter but that to date no response were received.

IT WAS RESOLVED : (22 FEBRUARY 2005)

[Speaker]

That the Speaker **BE MANDATED TO INTERACT** personal with the MEC on the finalization of the matter.

14. QUESTIONS OF WHICH NOTICE WAS GIVEN

None

15. REPORTS OF THE EXECUTIVE MAYOR AND COMMITTEES

A3/2005; A9/2005 – A11/2005

16. REPORTS OF DECISIONS TAKEN UNDER DELEGATED POWERS

The Executive Mayor presented his report on decisions taken under delegated powers and the resolution in this regard is on **page 7, Item A12/2004** of these minutes.

VI

17. MOTIONS

None

18. CLOSURE

The Speaker adjourned the meeting at **19:05**.

.....
TV MATSEPE (SPEAKER)

.....
DATE

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A1/2005

DISCLOSURE OF INTEREST : COUNCILLOR VV BENGU (3/1/1) (MCA) (P 1 : ANNEXURES P 1)

PURPOSE OF THE REPORT

To submit to Council information regarding the interest of Councillor VV Bengu.

COUNCIL RESOLVED (22 FEBRUARY 2005)

[MCA] That the disclosure of interest of Councillor VV Bengu 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.**

A2/2005

DISCLOSURE OF INTEREST : COUNCILLOR TE THOABALA (3/1/1) (MCA) (P 2 : ANNEXURES P 2)

PURPOSE OF THE REPORT

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

COUNCIL RESOLVED (22 FEBRUARY 2005)

[MCA] 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.**

2

A3/2005

AMENDED ANNUAL FINANCIAL STATEMENTS 2003/2004 (CFO) (6/1/1/1)
(P 3 : ANNEXURES P 3 – 35)

PURPOSE OF REPORT

To seek approval from Council on the amended Annual Financial Statements for 2003 / 2004 to be submitted to the Auditor General.

The Executive Mayor afforded the Chief Financial Officer the opportunity to address the Council on the matter.

COUNCIL RESOLVED (22 FEBRUARY 2005)

- [CFO]
1. That Council **APPROVES** the amended Annual Financial Statements.
 2. That the Department of Finance **SUBMITS** the approved Annual Financial Statements to the Auditor General.

A4/2005

DISPUTE OVER SITES 5331 K6 AND 5332 BETWEEN ME KELEBONE FRANCINA MOKHOTHU & ME MATSELISO ELISA MOTSUMI & MR ZENZILE ISAAC ZEKA – EMHDEM (4/1/2/2) (8/3/2/47/5) (SPEAKER'S OFFICE) CASE NO.4/2005(P 4)

PURPOSE OF THE REPORT

To request Council's approval to transfer site no 5331 K6 to Me Matseliso Elisa Motsumi and site 5332 K6 to Mr Zenzile Isaac Zeka according to the recommendations made by the Housing Disputes Resolution Committee in its sitting of 27 January 2005.

COUNCIL RESOLVED (22 FEBRUARY 2005)

- [EMHDEM]
1. That site 5331 **BE TRANSFERRED** to Me Matseliso Elisa Motsumi, and Site 5332 to Mr Zenzile Isaac Zeka.
- [CFO]
2. That the outstanding services amounts on both sites **BE WRITTEN OFF**.
- [EMHDEM]
3. That the necessary arrangements **BE MADE** for re-installation of the water meters on both sites.

3

4. That both Me Motsumi and Mr Zeka **BE ASSISTED TO APPLY** for housing subsidies.

[CFO] 5. That Mrs Mokhothu **BE SUMMONED TO PAY** the outstanding services amounts of Site 1158 K1, Kutlwanong

A5/2005

DISPUTE OVER SITE NO. 12318 EUREKA PARK, VIRGINIA BETWEEN ME EMILY MARION KHOJANE & MR MOLEFI JEFF MOTSI (4/1/2/2) (8/3/2/50/4) (EMHD&EM) SPEAKER'S OFFICE CASE NO.2/2005 (P 6)

PURPOSE OF THE REPORT

To request Council's approval for the recommendations made by the Housing Dispute Resolution Committee's sitting of 27 January 2005.

COUNCIL RESOLVED (22 FEBRUARY 2005)

[EMHDEM] 1. That Mr Molefi Jeff Motsi **BE GIVEN** 21 days notice **TO VACATE** the site.

[CFO] 2. That Me Emily Marion Khojane **BE RESPONSIBLE** for the payment of the outstanding services amount.

[EMHDEM] 3. That Me Emily Marion Khojane **BE ASSISTED TO APPLY** for a housing subsidy.

A6/2005

DISPUTE OVER HOUSE NO. 42 CHUI ME STREET, THABONG BETWEEN ME BAITSHABI LYDIA MOLEHE & ME ALFONSINAH PUTSWANA (4/1/2/2) (20/14/4/5/1) (EMHDEM) (SPEAKER'S OFFICE) CASE NO.1/2005 (P 7)

PURPOSE OF THE REPORT

To request Council's approval for the recommendations made by the Housing Dispute Resolutions Committee's sitting of 27 January 2005.

COUNCIL RESOLVED (22 FEBRUARY 2005)

[EMHDEM] 1. That the property **BE REGISTERED** in Me Alfonsinah Putswana's names.

[CFO] 2. That the outstanding services amount and transfer costs **BE PAID-OFF** by Me Putswana.

[EMHDEM] 3. That the necessary documentation **BE PUT** on the housing file.

A7/2005

DISPUTE OVER HOUSE NO. 13806 CALABRIA, VIRGINIA BETWEEN ME KEDIBONE AGNES MOKOPANELA AND MR MAKELEME GLADUCE KHOAKO (4/1/2/2) (8/3/2/50/4) (EMHD&EM) (SPEAKER'S OFFICE)CASE NO.3/2005 (P 9)

PURPOSE OF THE REPORT

To request Council's approval for the recommendations made by the Housing Dispute Resolution Committee's sitting of 27 January 2005.

COUNCIL RESOLVED (22 FEBRUARY 2005)

- [EMHDEM] 1. That Mr Khoako **BE REGISTERED** as the legal owner of Site 13806 Calabria, Virginia.
- [CFO] 2. That Mr Khoako **BE RESPONSIBLE TO PAY** the outstanding services amount.
- [EMHDEM] 3. That Me Mokopanela **BE REQUESTED TO MAKE** an affidavit **TO TRANSFER** property 13806 Calabria to Mr Khoako.
4. That Mr Johannes Marumo **BE THE REGISTERED** owner of Site 13099 Calabria, Virginia.
5. That Me Mokopanela **BE ASSISTED TO RE-APPLY** for a subsidy on Site 2445 Phahameng, Virginia.

A8/2005

REPORT OF THE AUDITOR GENERAL TO MEMBERS OF COUNCIL OF MATJHABENG LOCAL MUNICIPALITY ON THE FINANCIAL STATEMENTS OF MATJHABENG LOCAL MUNICIPALITY FOR THE YEAR ENDED 30 JUNE 2003 (OFFICE OF THE SPEAKER) (12/1/2/1) (P 11 : ANNEXURES P 36 – 59)

PURPOSE OF REPORT

To inform Council of the decision of the High Court in the matter between **RSB Sesele (Applicant) and Matjhabeng Municipality (1st Respondent) with SJ Leeuw: Executive Mayor, Matjhabeng Local Municipality (2nd Respondent) Case No. 3748/2004.**

The Executive Mayor informed Council that this matter is already Public Knowledge and need not to be discussed in-camera. Council at its meeting held on 5 October 2004 mandated the Executive Mayor to put in motion the procedure for the suspension and disciplinary process of the Municipal Manager and give effect thereto.

The Executive Mayor informed Council that the Municipal Manager's Attorneys, informed the Office of the Executive Mayor, of his illness. The Executive Mayor indicated that he did not receive an E-mail or telephone call from the Municipal Manager to inform him of this illness.

Councillor TD Khalipha submitted the following Motion to Council :

1. That the Municipal Manager, Mr RSB Sesele, be suspended from 22 February 2005.
2. That the Municipal Manager be given a fair hearing.
3. That Council appoint an Acting Municipal Manager.

The DA requested time to caucus and the meeting adjourned from **18:10 to 18:35.**

IT WAS RESOLVED (22 FEBRUARY 2005)

- [Exec.Mayor] 1. That the Municipal Manager, Mr RSB Sesele, **BE SUSPENDED** with effect from 1 March 2005 and that the Executive Mayor **PROCEEDS** with disciplinary actions against the Municipal Manager in terms of applicable legislation in order to ensure correct procedures and a fair hearing.

6

2. That the appointment of the Acting Municipal Manager, Mr JG Maritz, by the Municipal Manager **BE CONDONED** and **FURTHER** that he cease to act as such, as Council had the authority to appoint an Acting Municipal Manager in terms of Section 82 of the Municipal Structures Act.
3. That the actions taken by Mr JG Maritz as Acting Municipal Manager **BE CONDONED**, and
4. That Mr RN Pitso, Chief Financial Officer, **BE APPOINTED TO ACT** as Municipal Manager with immediate effect.

A9/2005

REPORT ON VARIOUS MEMORANDA RECEIVED FROM ORGANISATIONS AS WELL AS THE RESPONSE OF THE EXECUTIVE MAYOR THEREON (20/2/1/3/1) (OFFICE OF THE SPEAKER) (ADDENDUM P 13 : ANNEXURES P 60 – 101)

PURPOSE

To inform Council of the various memoranda received from organisations as well as the response of the Executive Mayor thereon.

COUNCIL RESOLVED (22 FEBRUARY 2005)

That Council **TAKES** note of the various memoranda received from organisations as submitted from pages 60 -101 of the Annexures.

A10/2005

ADJUSTED OPERATIONAL BUDGET 2004/2005 (CFO) (6/1/1-2004/5) (ADDENDUM P 15 : ANNEXURES P 102 – 105)

PURPOSE OF REPORT

To seek approval from Council on the Adjustment of the Operational Budget for 2004 / 2005.

COUNCIL RESOLVED (22 FEBRUARY 2005)

[CFO]

1. Council **APPROVES** the Adjusted Operational Budget for 2004 / 2005.
2. The Finance Department **SUBMITS** the adjusted budget to National Treasury, Provincial Treasury and Department of Local Government and Housing.

A11/2005

ESTABLISHMENT OF MUNICIPAL ELECTORAL UNITS AND THE SUPPLY OF INFRASTRUCTURE AND RESOURCES (15/2/1/24) (OFFICE OF THE SPEAKER) (SECOND ADDENDUM P 16 : ANNEXURES P 106 – 121)

PURPOSE

To obtain approval from Council to establish Municipal Electoral Units and the supply of infrastructure and resources.

COUNCIL RESOLVED (22 FEBRUARY 2005)

- [Exec.Mayor] 1. That Council **APPROVES** the establishment of a Municipal Electoral Unit.
2. That the Executive Mayor **BE MANDATED TO FURTHER NEGOTIATE** and **ENTER** into discussions with the IEC on the matter in order to enable him to sign the agreement as per Annexures on pages 118 – 121 on behalf of Council.

A12/2005

REPORT ON DECISIONS TAKEN UNDER DELEGATED POWERS (3/1/2) (MM) (EXECUTIVE MAYOR'S REPORT PAGE 1 – 12)

IT WAS RESOLVED (22 FEBRUARY 2005)

[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. MC252/2004 to MC260/2004, MC262/2004 to MC263/2004 and MC266/2004 to MC277/2004 **BE CONFIRMED** with the following amendment:

MC274/2004

APPLICATION TO BUY PORTION OF THE REMAINDER OF ERF 8031, EXTENSION 18, WELKOM (8/3/2/32) (EMEDSP)

IT WAS RESOLVED (22 FEBRUARY 2005)

That should the amount of the purchase price of a portion of Erf 8031 sold to Messrs Barbour and Thorne, Mr CD Evans and Messrs Buildmat (Pty) Ltd exceed R500 000,00 same **BE SUBMITTED** to Council for approval.