

MINUTES

4TH SPECIAL COUNCIL MEETING

of

MATJHABENG MUNICIPALITY

held on

16 AUGUST 2005

at

14:00

**COUNCILLORS PRESENT : 4TH SPECIAL COUNCIL MEETING :
16 AUGUST 2005**

ANC

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

DA

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



PAC

PROPORTIONAL	
72.	Majoe TS (Written apology – to be considered by the Speaker)

OFFICIALS

Mr RN Pitso	-	Acting Municipal Manager
Mr V Adonis	-	Corporate Executive Manager: Community Services and Social Development
Dr K van der Walt	-	Executive Manager: Economic Development and Spatial Planning
Mr J Jankowitz	-	Administrative Officer (From 15:45)
Me AC Schoeman	-	Administrative Officer (Until 15:45)

1. OPENING

Cllr ML Tlhone 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 congratulated the following Councillors on their birthdays:

Cllr L Rubulana	1 August
Cllr ML Louw	4 August
Cllr TS Majoe	8 August
Cllr KS Menong	11 August
Cllr MM Matlabe	11 August
Cllr SJ Liphoko	28 August
Cllr RR Mogole	31 August

3.2 The Speaker congratulated Cllr P Motshabi for being appointed as Chairperson of the Odendaalsrus District Football Association.

3.3 The Speaker apologized for the problems regarding the telephones in Odendaalsrus and mentioned that the account was paid, but the problem was with Telkom and unfortunately the phones were cut.

4. DISCLOSURE OF INTEREST

None

III

5. DEPUTATIONS AND INTERVIEWS

5.1 Presentation: Commission on Restitution of Land Rights – See Item SA16/2006.

5.2 Presentation: Chairperson: Performance Audit Committee – See Items SA17/2005 – SA21/2005

6. ITEMS FOR DISCUSSION

The Executive Mayor presented items SA16/2005 to SA28/2005, which were discussed and the resolutions in this regard are on pages **1 - 8** of these minutes.

7. CLOSING

The meeting terminated at **17:10.**

TV MATSEPE (SPEAKER)

DATE

SA16/2005

PRESENTATION TO MATJHABENG LOCAL MUNICIPAL COUNCIL BY THE COMMISSION ON RESTITUTION OF LAND RIGHTS AND ADOPTION OF A COUNCIL RESOLUTION REGARDING THE STANDARD SETTLEMENT OFFER FOR THE LAND CLAIMS FOR MAROBE (FORMER ODENDAALSRUS OLD LOCATION), MARANTHA (FORMER HENNINGMAN OLD LOCATION) AND MMAMAHABANE (FORMER VENTERSBURG OLD LOCATION) (AEMCS) (12/1/3) (20/14/4/3) (ANNEXURES: P1 – 50)

PURPOSE

To submit to Council for consideration

1. The presentation by the Commission on Restitution of Land Rights.
2. The adoption of a resolution regarding the Standard Settlement Offer for Land Claims.

The Speaker introduced Mr Mothibe from the Land Rights Commission who gave a broad background on the land claims in Marobe, Mmamahabane and Marantha.

The ANC requested a caucus at 15:05 until 15:20 and

After considering the following findings and recommendations of the Land Claims Commission:

- (a) The upgrading of the rights in land lost by the urban claimants at the time of dispossession from beneficial occupation of more than ten (10) years to full ownership in determining the monetary value of the claims;
- (b) The economic hardships, emotional suffering and pain suffered by claimants as a result of the forced removals or the Apartheid social injustice committed on them in determining the monetary value of the claims;
- (c) The findings of the empirical study conducted and concluded by Mr Michael Border in determining the monetary value of the urban claims in the Free State province;
- (d) A Standard Settlement Offer of R40 000,00 (Forty Thousand Rand) as most appropriate, equitable and just monetary value for redress on each claimed urban property in the Ventersburg, Henningman and Odendaalsrus Old Locations; and
- (e) The notion of disregarding the compensation received by claimants at the time of dispossession.

COUNCIL RESOLVED (16 AUGUST 2005)

- [AEMCS]
1. That Council **ADOPTS** the above-mentioned recommendations of the Land Claims Commission.
 2. That Council would work hand-in-hand with the Commission regarding post settlement support on the above claims.

//Me DC van Zyl, Chairperson of the Performance Audit Committee presented Items SA17/2005 to SA 19/2005 to Council.//

SA17/2005

MINUTES OF THE PERFORMANCE AUDIT COMMITTEE HELD ON 21 JANUARY 2005 (Chairperson: Performance Audit Committee) (6/12/3/2) (ANNEXURES : P 51 – 54)

PURPOSE

To submit the minutes of the Performance Audit Committee to Council for information.

COUNCIL RESOLVED (16 AUGUST 2005)

That the Council **TAKES NOTE** of the minutes of the Performance Audit Committee held on 21 January 2005.

SA18/2005

PERFORMANCE AUDIT COMMITTEE CHARTER (Chairperson: Performance Audit Committee) (6/12B) (ANNEXURES : P55 – 59)

PURPOSE

To submit to Council the Performance Audit Charter for approval

COUNCIL RESOLVED (16 AUGUST 2005)

- [EMF] 1. That the Council **APPROVES** the Performance Audit Charter.
- [AMM] 2. That the Acting Municipal Manager **BE MANDATED** to deal with the appointment of a secretary for the Performance Audit Committee.

SA19/2005

PERFORMANCE AUDIT COMMITTEE PROGRAMME OF MEETINGS (Chairperson: Performance Audit Committee) (6/12/3/2)

PURPOSE

To submit a programme of meetings for the period January 2005 to June 2006, to the Council for consideration.

COUNCIL RESOLVED (16 AUGUST 2005)

- [EMF] 1. That the schedule of meeting of the Performance Audit Committee for the year ending 30 June 2006 **BE APPROVED**.

DATE	TIME	VENUE	MAIN ITEM FOR CONSIDERATION
Tuesday, 13 September 2005	16H00	Executive Mayor's Room	Review of Financial Statements: 2004/05
Tuesday, 18 October 2005	16H00	Executive Mayor's Room	Management Letter for 2004/2005 Audit
Tuesday, 21 February 2006	16H00	Executive Mayor's Room	Internal Audit Progress Report 2005/2006
Tuesday, 23 May 2006	16H00	Executive Mayor's Room	Audit Committee' Annual Report

2. That the Council **TAKES NOTE** that more meetings would be scheduled when necessary.

//Mr LS Moduane of the Performance Audit Committee presented items SA20/2005 to SA21/2005.//

SA20/2005

INTERNAL AUDIT CHARTER (Chairperson: Performance Audit Committee) (6/12B) (ANNEXURES : P60 – 63)

PURPOSE

To submit to Council the Internal Audit Charter for approval.

COUNCIL RESOLVED (16 AUGUST 2005)

- [EMF] 1. That the Council **APPROVES** the Internal Audit Charter with the following changes:
- (a) That the amount in paragraph 1-2.4 be changed to R5 000.
2. That the recommendations of the Audit Committee **SHOULD BE CONSIDERED** when appointing or dismissing the Head of the Internal Audit Unit.

SA21/2005

**INTERNAL AUDIT REPORTS (Chairperson: Performance Audit Committee)
(6/12/1) (ANNEXURES : SEPARATE COVER)**

PURPOSE

To submit reports of the Internal Audit Unit on audits conducted to Council for information.

COUNCIL RESOLVED (16 AUGUST 2005)

- [EMF] 1. That the matter **BE REFERRED** to the next Council meeting to be held on 27 September 2005.
2. That the Performance Audit Committee and Internal Audit, through Management, **BE REQUESTED** to submit a full report on issues raised in the Internal Audit Reports.
- [ACFO] 3. That payments to Falkia Consultants **BE STOPPED** until Council decides otherwise.

SA22/2005

**APPLICATION FOR LATE SUBMISSION OF MATJHABENG MUNICIPALITY'S ANNUAL FINANCIAL STATEMENTS (AMM) (6/12/2/1)
(ANNEXURES : SEPARATE COVER)**

PURPOSE

To request Council to approve the late submission of Matjhabeng Municipality's Annual Financial Statements for the year ending 2004/2005, for auditing purposes, to the office of the Auditor General.

COUNCIL RESOLVED (16 AUGUST 2005)

- [AMM] 1. That Council endeavours **TO COMPLY** with the submission of the financial statements by the end of August 2005, as required by law.
2. That the Auditor-General and whoever is concerned **BE INFORMED** in writing that Matjhabeng Municipality in consideration of Section 133 and 126 read with 27(1) of the Municipal Finance Management Act, wanted to address some of the difficulties it was having by making some adjustments in future.
3. That Council **TAKES NOTE** of the Finance Action Plan as submitted.
4. That the Accounting Officer **MONITORS** the implementation of the plan and reports monthly to Council.

5

5. That the action plan **MUST BE COMPLETED** by 29 November 2005.
6. That the Finance Standard Operating Procedure Manual (FSOPM) **BE SUBMITTED** on completion of the project.

SA23/2005

BUDGET TIME TABLE 2006/2007 (6/1/1/1) (CFO) (ANNEXURES : P64 – 70)

PURPOSE

To present to the Council the Time Table for the compilation of the 2006/2007 Budget in terms of section 21 (1) (b) of the Municipal Finance Management Act.

COUNCIL RESOLVED (16 AUGUST 2005)

- [ACFO] That the Budget Time-table for 2006/2007 as submitted, **BE APPROVED** and **IMPLEMENTED** ten months before the implementation of the 2006/2007 Budget.

SA24/2005

MATJHABENG MUNICIPALITY: BY-ELECTION WARD 1 (4/1/1/4) (AEMCS) **(ANNEXURES : P71 – 75)**

PURPOSE

To submit the above-mentioned matter to Council for consideration.

COUNCIL RESOLVED (16 AUGUST 2005)

- [AEMCS] That no by-election be held in Ward 1, Matjhabeng Local Municipality, but that Cllr SJ Leeuw (PR Councillor) **BE DEPLOYED** to deal with matters of that ward.

SA25/2005

AMENDMENT OF PR COUNCILLORS' DEPLOYMENT (Council Whip) **(4/1/2/2) (ANNEXURES : P76 -83)**

PURPOSE

To inform Council regarding the changes in the deployment of PR Councillors to wards and Councillors in the Section 80 Committees..

COUNCIL RESOLVED (16 AUGUST 2005)

- [AEMCS] That Council **TAKES NOTE** of the re-deployment of Councillors to wards and Section 80 Committees in consideration with the following amendments:

6

1. Allocation of PR List Councillors to Respective Wards

- Ward 9: By deletion of *Saaiplaas*.
- Ward 23: By deletion of *Cllr NL Masoka* as Ward Councillor and *Cllr MI Ikaneng* as List Councillor and substitution thereof with *Cllr TH James* as Ward Councillor and *Cllr IH Auret* as List Councillor.
- Ward 25: By deletion of *Cllr TH James* as Ward Councillor and *Cllr IH Auret* as List Councillor and substitution thereof with *Cllr NL Masoka* as Ward Councillor and *Cllr MI Ikaneng* as List Councillor.

2. Section 80 Committees

- (a) **Economic Development and Spatial Planning:** By addition of *Cllr SJ Tsatsa*.
- (b) **Housing Development and Environmental Management:** By addition of *Cllr PP Mohloli*.

SA26/2005

PERFORMANCE MANAGEMENT: DRAFT POLICY (5/3/2/1) (AMM)
(ANNEXURES : SEPARATE COVER)

PURPOSE

To submit the Draft Performance Management Policy to Council for adoption.

COUNCIL RESOLVED (16 AUGUST 2005)

[AMM] That Council adopts the Draft Performance Management Policy as the Policy of Council in consideration with the following additions on page 7 of the Separate Cover:

1. Very Poor
2. Poor
3. Average
4. Above Average
5. Excellent.

SA27/2005

TEMPORARY MORATORIUM ON THE SALE OF LAND (20/14/4/3)
(EMHDEM) (ANNEXURES : P84)

PURPOSE

To inform the Council regarding correspondence received on the Temporary Moratorium on the Sale of land imposed on municipalities.

COUNCIL RESOLVED (16 AUGUST 2005)

- [EMHDEM] 1. That the Department Housing **BE MANDATED** to communicate with the Chief Director of Local Government and Housing in the Province.
2. That the Department Housing requests the Department of Local Government and Housing to be given approximate timeframes of the audit and to get clarity on which land is affected by the moratorium in order to enable Council to advise the applicants who had already submitted their applications accordingly.

//Before discussion of the last two items the Executive Mayor requested Council to condone the submission of the last two items as it was not included in the agenda of the Special meeting.//

SA28/2005

APPROVAL OF GIS PROJECT : DBSA DEVELOPMENT FUND GRANT (6/4/1)
(AMM) (ANNEXURES : P 85 – 109)

PURPOSE OF REPORT

To submit to Council the proposed funding agreement on the GIS project from the DBSA development fund: Matjhabeng Capacity Building programme.

COUNCIL RESOLVED (16 AUGUST 2005)

- [AMM] 1. That the grant from the DBSA **BE APPROVED**.
2. That a steering committee **BE ESTABLISHED** to facilitate the appointment and communication with the service providers, Matjhabeng Municipality stakeholders and DBSA stakeholders.
3. That the proposed grant agreement **BE ACCEPTED** with terms and conditions, on condition that the 40% contribution by the recipient be clarified with DBSA.

SA29/2005

DELIMITATION OF MUNICIPAL WARDS - 2005/2006 LOCAL ELECTIONS
(18/1/1) (AEMCS)

PURPOSE

To submit the delimitation of Municipal Wards to the Council for information.

COUNCIL RESOLVED (16 AUGUST 2005)

[AEMCS] That the Council **TAKES NOTE** of the Delimitation of Municipal Wards for 2005/2006 Local Elections.

INDEX

ITEM NO	ITEM	CLASSIFICATION	PAGE
SA16/2005	PRESENTATION TO MATJHABENG LOCAL MUNICIPAL COUNCIL BY THE COMMISSION ON RESTITUTION OF LAND RIGHTS AND ADOPTION OF A COUNCIL RESOLUTION REGARDING THE STANDARD SETTLEMENT OFFER FOR THE LAND CLAIMS FOR MAROBE (FORMER ODENDAALSRUS OLD LOCATION), MARANTHA (FORMER HENNENMAN OLD LOCATION) AND MMAMAHABANE (FORMER VENTERSBURG OLD LOCATION) (AEMCS) (12/1/3) (20/14/4/3)	Social and Economic Transformation	1
SA17/2005	MINUTES OF THE PERFORMANCE AUDIT COMMITTEE HELD ON 21 JANUARY 2005 (Chairperson: Performance Audit Committee) (6/12/3/2)	Effective Governance	2
SA18/2005	PERFORMANCE AUDIT COMMITTEE CHARTER (Chairperson: Performance Audit Committee) (6/12B)	Effective Governance	2
SA19/2005	PERFORMANCE AUDIT COMMITTEE PROGRAMME OF MEETINGS (Chairperson: Performance Audit Committee) (6/12/3/2)	Effective Governance	2
SA20/2005	INTERNAL AUDIT CHARTER (Chairperson: Performance Audit Committee) (6/12B)	Effective Governance	3
SA21/2005	INTERNAL AUDIT REPORTS (Chairperson: Performance Audit Committee) (6/12/1)	Effective Governance	4
SA22/2005	APPLICATION FOR LATE SUBMISSION OF MATJHABENG MUNICIPALITY'S ANNUAL FINANCIAL STATEMENTS (AMM) (6/12/2/1)	Sound Financial Management	4
SA23/2005	BUDGET TIME TABLE 2006/2007 (6/1/1/1) (CFO)	Sound Financial Management	5

(ii)

ITEM NO	ITEM	CLASSIFICATION	PAGE
SA24/2005	MATJHABENG MUNICIPALITY: BY-ELECTION WARD 1 (4/1/1/4) (AEMCS)	Effective Governance	5
SA25/2005	AMENDMENT OF PR COUNCILLORS' DEPLOYMENT (Council Whip) (4/1/2/2)	Effective Governance	5
SA26/2005	PERFORMANCE MANAGEMENT: DRAFT POLICY (5/3/2/1) (AMM)	Effective Governance	6
SA27/2005	TEMPORARY MORATORIUM ON THE SALE OF LAND (20/14/4/3) (EMHDEM)	Effective Governance	7
SA28/2005	APPROVAL OF GIS PROJECT: DBSA DEVELOPMENT FUND GRANT (6/4/1) (AMM)	Sound Financial Management	7
SA29/2005	DELIMITATION OF MUNICIPAL WARDS – 2005/2006 LOCAL ELECTIONS (18/1/1) (AEMCS)	Effective Governance	8