

MINUTES

OF THE

**2ND ORDINARY MEETING
FOR THE YEAR 2006**

of

MATJHABENG MUNICIPALITY

held on

TUESDAY, 25 APRIL 2006

at

16:00

COUNCILLORS PRESENT: COUNCIL MEETING: 25 APRIL 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
6.	Matlabe MMT	19.	Thoabala TE
7.	Matosa AN	20.	Thuthani ZA
8.	Mfana MH	21.	Tladi RE
9.	Mogopodi MRE	22.	Tlhone ML
10.	Molefi MJ	23.	Tsubane ME
11.	Nyembe ME	24.	Twanana M
12.	Petleki KI	25.	Vanga NM
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 NS
31.	Mankayi NE	47.	Peterson E (Absent)
32.	Manzana NR	48.	Radebe LLF
33.	Masienyane MD	49.	Rubulana L
34.	Mathebula MA	50.	Sebeela SD
35.	Mfebe MSE	51.	Sejane LM
36.	Mkhusane NC	52.	Semela ME
37.	Moahlodi MS	53.	Sithole B
38.	Mokapo TJ	54.	Taliwe FE
39.	Mokhuma MS	55.	Themhani PP
40.	Mokobori KE	56.	Tsatsa SJ
41.	Monjovo NE	57.	Khalipha TD

II

DA

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

FF+

PROPORTIONAL	
69.	Coetzee BJA

PAC

PROPORTIONAL	
70.	Majoe TS

ACDP

PROPORTIONAL	
71.	Mofoka MA

IND

WARD	
72.	Liphoko SJ (Absent)

OFFICIALS

Mr NJ Motseki	:	Acting Municipal Manager
Mr S Naniso	:	Acting Executive Manager: Corporate Services
Dr K van der Walt	:	Executive Manager: Economic Development and Spatial Planning
Mr TB Jobo	:	Senior Communication Officer
Mr SD Mana	:	Caretaker (Corporate Services)
Mr JKF Jankowitz	:	Senior Administrative Officer (Corporate Services)

III

1. OPENING

Pastor S Lenong opened the meeting with Scripture reading and prayer.

2. APPLICATIONS FOR LEAVE OF ABSENCE

See Attendance List above.

3. OFFICIAL ANNOUNCEMENTS OF THE SPEAKER

None

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

None

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

None

6. REPORTS RECEIVED FROM THE SPEAKER

None

7. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

7.1 SYMPATHY

None

7.2 CONGRATULATIONS

The Speaker congratulated the following Councillors on their birthdays:

APRIL

Cllr NE Mankayi
Cllr B Sithole

IV

MAY

Cllr MD Masienyane
Cllr MSE Mfebe
Cllr LM Sejane
Cllr NL Masoka
Cllr ML Tihone
Cllr TW Dlova
Cllr NM Vanga
Cllr M Twanana

8. MOTIONS OF SYMPATHY AND CONGRATULATIONS FROM OTHER MEMBERS

None

9. DEPUTATIONS AND INTERVIEWS

None

10. DISCLOSURE OF INTEREST

None

11. MINUTES OF THE PREVIOUS MEETINGS

COUNCIL RESOLVED (25 APRIL 2006)

11.1 That the minutes of the 5th Ordinary Meeting of the Council held on 29 November 2005 **BE APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting.

11.2 That the minutes of the 1st Ordinary Meeting of the Council held on 23 February 2006 **BE APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting in consideration with the following amendments:

by deletion of the word **absent** next to the name of Cllr SL Dlamini under Councillors present.

V

- 11.3 That the minutes of the Inaugural Meeting of Council held on 14 March 2006 **BE APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting in consideration with the following amendments:

by correction of the following under Councillors present: **SN Ntsala, TN Nakwa.**

by deletion of **Executive Mayor** next to the name of **Cllr NS Mokapo.**

by deletion of **terminated** under closure and **substitution** thereof with **adjourned.**

IA1/2006

ELECTION OF THE SPEAKER (4/1/2/1) (AEMCS)

By deletion of the name **MJ Sephiri** and **substitution** thereof with **MRE Mogopodi.**

IA6/2006

APPOINTMENT OF A FULL-TIME COUNCIL WHIP (3/8/1/3) (Office of the Speaker)

By correction of the following under **Purpose:**

For Council to appoint a full-time Whip.

By deletion of PF Botha and **substitution** thereof with **KI Petleki.**

- 11.4 That the minutes of the **Continuation Meeting** of the adjourned meeting held on 14 March 2006, held on 17 March 2006 **BE APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting in consideration with the following amendments:

IA2/2006

ELECTION OF THE EXECUTIVE MAYOR (4/1/2/1) (AEMCS)

By deletion of the second paragraph under **Purpose**, viz:

Before the item was entertained, the Speaker requested the adjournment of the meeting for Friday, 17 March 2006 at 10:00.

VI

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

A12/2006 – A22/2006

16. REPORTS OF DECISIONS TAKEN UNDER DELEGATED POWERS

The Executive Mayor indicated that the report on decisions taken under delegated powers were done by the previous Executive Mayor and the resolutions in this regard is on **page 10, Item A29/2006** of these minutes.

17. MOTIONS

A23/2006

18. SPEECH BY THE EXECUTIVE MAYOR

COUNCIL RESOLVED (25 APRIL 2006)

That this item **BE DELETED** from the agenda.

19. CLOSURE

The Speaker terminated the meeting at **19:50**.

.....
L RUBULANA (SPEAKER)

.....
DATE

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A12/2006

SCHEDULE: COUNCIL AND STANDING COMMITTEE ROSTER (3/1/3/1)
(AEMCS) (P 1 : ANNEXURES P 1 – 10)

PURPOSE

To submit the proposed Roster for Council Meetings and various Standing Committees Meetings for 2006 for consideration.

COUNCIL RESOLVED (25 APRIL 2006)

[AEMCS] That Council **APPROVES** the schedule of Council meetings in consideration with the following amendments:

- (a) That the time (16:00) for Council meetings **BE DELETED** and that same would be determined by the Speaker.
- (b) That no Council meeting **BE SCHEDULED** for September 2006, but it **BE SCHEDULED** for October 2006.
- (c) That the proposed schedule for Committee meetings **BE REFERRED** to the Mayoral Committee before submission to Council.

A13/2006

NAMING AND RENAMING OF STREETS: MATJHABENG (CEMES) (18/2) (P 2)

PURPOSE OF REPORT

For Council to consider the re-establishment of the Ad-hoc committee.

COUNCIL RESOLVED (25 APRIL 2006)

[AEMCS] 1. That an Ad-hoc Committee for the Naming and Renaming of Roads, Streets and Government Property **SHOULD FINALISE** the naming and renaming of roads, streets and municipal property.

2. That the Ad-hoc Committee **BE COMPOSED** as follows:

ANC	:	6 members
DA	:	2 members
Other Political Parties	:	1 member

3. That the Political Parties **BE REQUESTED** to submit the names of their delegates as soon as possible to the Speaker.

A14/2006

AMENDMENT OF THE RULES AND ORDERS (3/1B) (AEMCS) (P5 : ANNEXURES P 11 – 30 AND SEPARATE COVER)

PURPOSE

To submit to Council for approval the amendments to the Rules and Orders.

COUNCIL RESOLVED (25 APRIL 2006)

- [AEMCS]
1. That Council **TAKES NOTE** of the standing Rules and Orders as a working document.
 2. That the amendments to the Rules and Orders **BE REFERRED** to the Rules Committee to process same and to submit the amendments to Council for adoption.

A15/2006

ESTABLISHMENT OF THE RULES COMMITTEE (4/1/2/2) (SPEAKER) (P 6)

PURPOSE

To submit to the Council the proposal from the Speaker regarding the establishment of the Rules Committee.

COUNCIL RESOLVED (25 APRIL 2006)

- [Speaker]
1. That the Rules Committee consisting of the following 14 (fourteen) members **BE ESTABLISHED** by the Council in order to execute the powers and functions mentioned in the report:
 - (a) The Speaker as the Chairperson
 - (b) 7 Members of the ANC
 - (c) 2 Members of the DA
 - (d) 1 Member from the PAC
 - (e) 1 Member from the ACDP
 - (f) 1 Member from the Independent
 - (g) 1 Member from the Freedom Front Plus

3

2. That all political parties **SUBMIT** the names of their delegates to the Speaker as soon as possible.

A16/2006

DELEGATED POWERS (AMM) (3/1/2) (3/2/2) (P 9 : ANNEXURES – SEPARATE COVER)

PURPOSE OF REPORT

To re-submit the Delegation of Powers to Council for adoption

COUNCIL RESOLVED (25 APRIL 2006)

[MM]

1. That Council **ADOPTS** the Delegation of Powers as the policy of the Municipality.
2. That a workshop on the Delegation of Powers **BE ARRANGED** for Councillors.

A17/2006

FREE STATE MUNICIPAL PENSION FUND : ELECTION OF COUNCILLOR REPRESENTATIVES TO THE GENERAL COMMITTEE OF THE FREE STATE MUNICIPAL PENSION FUND (4/1/2/2) (EMHR) (P 11 : ANNEXURES P 31 – 35)

PURPOSE OF REPORT

To request Matjhabeng Municipality to elect a Councillor Representative to serve on the Free State Municipal Pension Fund.

The Chief Whip proposed 6 (six) names of the ruling party as representatives on the General Committee of the Free State Municipal Pension Fund.

The DA proposed that 1 (one) DA Councillor should be included as representative on the General Committee of the Free State Municipal Pension Fund.

The ANC requested a caucus at 17:21, which was granted and the meeting proceeded at 18:00.

COUNCIL RESOLVED (25 APRIL 2006)

- [EMHR] 1. That the under-mentioned Councillors **BE ELECTED** as representatives on the General Committee of the Free State Municipal Pension Fund:

Cllrs NL Masoka
TJ Mokapo
MD Masienyana
MA Mathebula
MR Mogopodi
MM Senoge
VH Neumann (Secundi: HC van Rooyen)

2. That the Chief Whip **SHOULD DETERMINE** which ANC Councillor **BE WITHDRAWN** from the list to accommodate the nominee of the DA.

A18/2006

APPOINTMENT OF THE MUNICIPAL MANAGER (EXECUTIVE MAYOR)
(5/3/2/1) (P 13)

PURPOSE

To request permission from Council to negotiate and finalize the salary package of the Municipal Manager

After discussions on the matter the following proposals were put forward:

Proposal by the Executive Mayor

1. That Council condones the appointment of the independent interview panel.
2. That Dr B Malakoane be appointed as Municipal Manager with immediate effect.
3. That the Executive Mayor negotiates and finalizes the remuneration package of the Municipal Manager in line with the guidelines of SALGA.

Proposal by Councillor VH Neumann (DA)

That Mr V Adonis (Corporate Executive Manager: Community Services and Social Development be appointed as the Municipal Manager seeing that he has relevant experience.

5

The matter was put to the vote.

57 votes **supported** the proposal by the **Executive Mayor**.

9 votes **supported** the proposal by **Cllr VH Neumann**.

Proposal by Dr J Marais (DA)

That the remuneration of the Municipal Manager must not exceed the current package of the Municipal Manager.

The matter was put to the vote.

59 votes **supported** the proposal by the **Executive Mayor**.

9 votes **supported** the proposal by **Dr J Marais**.

Cllr TS Majoe abstained from voting.

COUNCIL RESOLVED (25 APRIL 2006)

- [ExecMayor]
1. That Council **CONDONES** the appointment of the independent interview panel.
 2. That Dr B Malakoane **BE APPOINTED** as Municipal Manager of Matjhabeng with immediate effect.
 3. That the Executive Mayor **NEGOTIATES AND FINALIZES** the remuneration package of the Municipal Manager in line with the guidelines of SALGA and also benchmark the remuneration.

A19/2006

PURCHASE OF A VEHICLE FOR OFFICIAL MAYORAL DUTIES (7/2/1/1)
(AMM) (P 15 : ANNEXURES P ANNEXURES P 36 – 37)

PURPOSE

To obtain permission from Council to proceed with the procurement processes for the purchasing of the vehicle for the Executive Mayor's office.

Proposal by the Executive Mayor

1. That Council grants permission to the Municipal Manager to proceed with the procurement processes to purchase a vehicle for the Office of the Executive Mayor for official purposes.

6

2. That the 3 (three) vehicles mentioned be put on auction to augment the purchase of the Executive Mayor's vehicle.
3. That Council's Supply Chain Management and Preferential Procurement Policy be utilized to purchase the Mayoral vehicle.
4. That the Executive Mayor's choice of a vehicle be within the value of R500 000,00.
5. That the savings from the unit offices' infrastructure upgrade project for 2005/2006 Capital Budget be utilized to purchase the Mayoral vehicle.

Proposal by Cllr R Beneke (DA)

That no new vehicle be bought for the Executive Mayor, but that the current vehicle, Mercedes Benz 230E, be repaired.

Cllr R Beneke, in order to motivate his proposal, indicated that he is in possession of a report/invoice from John William's Motors on the last service done on the vehicle in question to the amount of R596,01. According to John William's Motors the vehicle is in a good condition.

The matter was put to the vote.

56 votes supported the proposal of the **Executive Mayor**.

10 votes supported the proposal of **Cllr R Beneke**.

COUNCIL RESOLVED (25 APRIL 2006)

[MM]

1. That Council **GRANTS** permission to the Municipal Manager to proceed with the procurement processes to purchase a vehicle for the Office of the Executive Mayor for official purposes.
2. That the 3 (three) mentioned vehicles **BE PUT ON AUCTION** to augment the purchase of the Executive Mayor's vehicle.
3. That Council's Supply Chain Management and Preferential Procurement Policy **BE UTILISED** the Mayoral vehicle.
4. That the Executive Mayor's choice of a vehicle **BE WITHIN** the value of R500 000.00.
5. That the savings from the **Unit offices infrastructure upgrade project** for 2005/2006's capital budget **BE UTILIZED TO PURCHASE** the Mayoral vehicle.

A20/2006

ESTABLISHMENT OF SECTION 80 COMMITTEES (3/7/1/1) (4/1/2/2) (AEMCS)
(P 17)

PURPOSE

To submit the names of the members of the various Section 80 Committees to Council for information.

COUNCIL RESOLVED (25 APRIL 2006)

- [Chief Whip] 1. That Council **TAKES NOTE** of the Chairpersons of the Section 80 Committees.
2. That the composition of the members to serve on the Section 80 Committees, **BE DEALT WITH** by the Council Whip.

A21/2006

APPOINTMENT: MEMBERS OF THE MAYORAL COMMITTEE (3/7/1/1)
(4/1/2/2) (AEMCS) (P 22)

PURPOSE

To notify Council of the names of the Members of the Mayoral Committee and their portfolios.

COUNCIL RESOLVED (25 APRIL 2006)

- [AEMCS] That Council **TAKES NOTE** of the appointment of Members of the Mayoral Committee.

A22/2006

MATJHABENG MUNICIPALITY: CAPITAL BUDGET PROGRESS REPORT
(6/1/1/1) (CFO) (P 23 : ANNEXURES P 38 – 39)

PURPOSE

To submit to Council progress report on the implementation of the Capital budget for information.

8

COUNCIL RESOLVED (25 APRIL 2006)

- [CFO] 1. That Council **TAKES NOTE** of the Municipality Capital Budget progress report.
- [Exec.Mayor] 2. That the Council **MANDATES** the Executive Mayor to **INVESTIGATE** the reasons that lead to the spending of only 35,7% of the Capital Budget (current) and to **REPORT BACK** to Council.
3. That disciplinary steps **BE TAKEN** if necessary.

A23/2006

MOTION PUT BY CLLR P F BOTHA - POOR STATE OF COUNCIL VEHICLES AND LACK OF AVAILABILITY (3/1/3/4) (AMM) (P 24 : ANNEXURES P 40 – 43)

PURPOSE

To submit to Council a motion of DA Councillor P F Botha and responses thereof from the Acting Municipal Manager.

COUNCIL RESOLVED (25 APRIL 2006)

- [Exec.Mayor] That the matter **BE REFERRED** to the Executive Mayor for investigation and report back at the next Council meeting.

A24/2006

PROPOSED MACRO ORGANISATIONAL STRUCTURE (AMM) (2/1) (P 25 : ANNEXURES P 44 – 61)

PURPOSE OF REPORT

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

COUNCIL RESOLVED (25 APRIL 2006)

- [MM] That the item **BE WITHDRAWN** from the agenda.

A25/2006

**APPOINTMENT OF STAFF IN THE POLITICAL OFFICES (3/7/1/1)
(EXECUTIVE MAYOR) (ADDENDUM P 28)**

PURPOSE

To request Council's permission to exempt the appointment of staff in the office of political office bearers from the procedure as outlined in the Selection and Recruitment Policy.

COUNCIL RESOLVED (25 APRIL 2006)

- [Exec.Mayor]
1. That the appointment of staff in the offices of political office bearers **BE EXEMPTED** from the procedures laid down by the Recruitment and Selection Policy.
 2. That the contracts of staff in the offices of political office bearers **BE LINKED** to the term of the office bearers.

A26/2006

**SELLING OF COUNCIL HOUSES TO MUNICIPAL EMPLOYEES (5/9/3)
(EXECUTIVE MAYOR) (ADDENDUM P 29 : ANNEXURES P 62)**

PURPOSE

To request Council to keep in abeyance a resolution taken by Mayoral Committee (MC 9/2005) (6 July 2005) on this matter in order to allow the Executive Mayor to conduct investigations in relation thereto.

COUNCIL RESOLVED (25 APRIL 2006)

- [Exec.Mayor]
[MM]
1. That the Mayoral Committee resolution MC9/2005 of 6 July 2005 **BE KEPT IN ABEYANCE PENDING FINALIZATION OF INVESTIGATIONS** on the said item by the Executive Mayor and Municipal Manager.
 2. That a Housing Policy **BE DEVELOPED** that would guide the rental, occupation, eviction and selling of houses.
 3. That all evictions taking place, currently alleged to be unprocedural, **BE STOPPED** pending the finalization of the Housing Policy.

10

A27/2006

**USAGE OF PUBLIC HALLS AND STADIA BY POLITICAL PARTIES (9/2/1/2)
(EXECUTIVE MAYOR) (SECOND ADDENDUM P 30)**

PURPOSE

To request Council to grant the Executive Mayor the power to authorize usage of public halls and stadia free of charge to political parties represented in Council for their meetings.

COUNCIL RESOLVED (25 APRIL 2006)

[Exec.Mayor] That the Executive Mayor **BE GRANTED THE POWER TO AUTHORIZE** usage of public halls and stadia free of charge by political parties that are represented in Council.

A28/2006

USAGE OF MAYORAL VEHICLE FOR ATTENDANCE OF POLITICAL MEETINGS (9/2/1/2) (EXECUTIVE MAYOR) (SECOND ADDENDUM P 31)

PURPOSE

To request Council's permission to allow the Executive Mayor to use Mayoral vehicle for attendance of political meetings.

COUNCIL RESOLVED (25 APRIL 2006)

[Exec.Mayor] That the Executive Mayor **BE GRANTED THE PERMISSION TO UTILIZE** the Mayoral vehicle for attendance of political meetings.

A29/2006

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

COUNCIL RESOLVED (25 APRIL 2006)

[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. **MC13/2006 to MC20/2006, MC22/2006, MC24/2006 to MC25/2006 and MC27/2006 to MC28/2006 BE CONFIRMED.**