

MINUTES

OF THE

**2ND ORDINARY MEETING
FOR THE YEAR 2007**

of

MATJHABENG MUNICIPALITY

held on

TUESDAY, 3 APRIL 2007

at

16:00

COUNCILLORS ATTENDANCE: COUNCIL MEETING: 3 APRIL 2007

ANC

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

II

DA

PROPORTIONAL			
58.	Edeling JH	62.	Mokotedi TG
59.	Fourie JJC	63.	Neumann VH
60.	Marais JS (Written apology)	64.	Styger A
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

Dr B Malakoane	:	Municipal Manager
Dr L Moorosi	:	Chief Operations Officer
Mr MNS Moletsane	:	Director Corporate Support Services
Mr TA Ngozwana	:	Director Infrastructure
Mr LB de Bruyn	:	Acting Chief Financial Officer
Me KR Maloka	:	Director Social Services and Law Enforcement
Me DF Ramakhale	:	Administrative Officer (Corporate Services)

III

1. OPENING

Reverend Dave Howard of St Luke Methodist Church opened the meeting with Scripture reading and prayer.

2. APPLICATIONS FOR LEAVE OF ABSENCE

See Councillors Attendance List on **pages I and II**

3. OFFICIAL ANNOUNCEMENTS OF THE SPEAKER

None

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

None

5. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

5.1 SYMPATHY

The Speaker informed the members about the passing away of Councillor Dlamini's brother as well as that of Me Joan Coetzee at Housing Department.

A moment of silence was observed.

5.2 CONGRATULATIONS

The Speaker congratulated the following Councillor on their birthdays:

APRIL

VH Neumann	:	01 April 2007
Sithole B	:	03 April 2007
Coetzee BJA	:	05 April 2007
Marais JS	:	14 April 2007
Mankayi NE	:	15 April 2007

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6. MOTIONS OF SYMPATHY AND CONGRATULATIONS FROM OTHER MEMBERS

Councillor SC Dlamini congratulated Councillor NI Masoleng for his appointment as a Councillor.

The Executive Mayor congratulated Councillor BA Montshioa for being appointed as member of the Mayoral Committee.

7. DEPUTATIONS AND INTERVIEWS

None

8. MINUTES OF THE PREVIOUS MEETINGS

IT WAS RESOLVED: (2007-04-03)

- 8.1 That the Minutes of the 1st Ordinary Meeting of the Council held on 27 February 2007 **BE APPROVED** and **CONFIRMED** subject to the following corrections:

A2/2007

ESTABLISHMENT OF AN OVERSIGHT COMMITTEE (4/1/2/2) (P 3)

Resolution No. 3

That the Oversight Committee **SHOULD TABLE** before the Council an Oversight Report at the Council Meeting to be held on 27 March 2007 **to be corrected to read as follows:**

*That the Oversight Committee **SHOULD TABLE** before the Council an Oversight Report within (2) two months.*

V

A3/2007

NOTICE OF MOTION: CLLR JHA EDELING (P 4: ANNEXURES P 1)

PERMISSION GRANTED BY COUNCIL TO MUNICIPAL MANAGER TO DO PRIVATE WORK (MM) (3/1/2/1)

Resolution No. 1

That Council **GRANTS** its prior consent to Dr B Malakoane to do remunerative work as a Medical Practitioner during weekends and holidays other than the work of Council **BE RETAINED be corrected to read as follows:**

*That the Council **GRANTS** its prior consent to Dr B Malakoane to do remunerative work as a Medical Practitioner during weekends and holidays.*

A16/2007

EXECUTIVE SUMMARY OF THE FIRST DRAFT OF THE 2007-2008 ANNUAL BUDGET FOR THE MATJHABENG MUNICIPALITY (6/1/1/1)

- CPIX of approximately 5.4% - **be amended to read as follows:**
- *CPIX of approximately 4.9%*

9. FORMAL SIGNING OF MINUTES

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

10. MATTERS ARISING FROM THE MINUTES

None

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

A31/2007 – A32/2007 and A33/2007

12. REPORTS OF THE EXECUTIVE MAYOR

15/2007 – A30/2007

VI

13. CLOSURE

The Executive Mayor informed the Members that on the 9th April 2007 Council will be promoting Integration of Communities where families from previously disadvantages section will spend a day or two with the previously advantaged Community. The process will then be reversed in the following week.

She also wished Councillors, Officials and the Community of Matjhabeng an enjoyable and safer Easter Weekend.

The Speaker adjourned the meeting at **19:35**.

.....
L RUBULANA (SPEAKER)

.....
DATE

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A15/2007

DRAFT IDP 2007-11 DOCUMENT (18/1/18) (P 1: ANNEXURES – SEPARATE COVER)

1. PURPOSE

To present the draft IDP 2007-11 to Council for consideration.

COUNCIL RESOLVED: (2007-04-03)

That the Council **ADOPTS** the Draft IDP Document.

A16/2007

EXECUTIVE SUMMARY OF THE FIRST DRAFT OF THE 2007-2008 ANNUAL BUDGET FOR THE MATJHABENG MUNICIPALITY (6/1/1/1) (P 2: ANNEXURES – SEPARATE COVER)

1. PURPOSE

To submit to Council a draft annual budget for the 2007/2008 financial year.

COUNCIL RESOLVED: (2007-04-03)

1. That the Draft Operating Budget of **R 873 422 287** and the Draft Capital Budget of **R 179 637 932** be approved as drafts.
2. That the public participation **MUST BE FOLLOWED**.
3. That the Drafted Budget **BE TAKEN** in May 2007 for final adoption.

A17/2007

APPROVAL OF TARIFFS FOR THE 2007/2008 FINANCIAL YEAR (6/1/1/1) (P 4: ANNEXURES – SEPARATE COVER)

1. PURPOSE

To submit to Council a proposed tariff increase for the 2007/2008 financial year.

COUNCIL RESOLVED: (2007-04-03)

1. That Council **APPROVES** the 8% increase in assessment rates, electricity, sewerage and refuse tariffs.

2. That 0% tariff increase for water **BE APPROVED**.
3. That the proposed tariff increase **BE ADVERTISED** or public comments.

A18/2007

MATJHABENG MUNICIPALITY: DRAFT PROPERTY RATES POLICY 2006/2007 (6/2B) (P 5: ANNEXURES – SEPARATE COVER)

1. PURPOSE

To inform Council that the draft Property Rates Policy has been advertised for public comments.

COUNCIL RESOLVED: (2007-04-03)

1. That Council **TAKES NOTE** that the Draft Property Rates Policy has been advertised for public comments.
2. That the Property Rates Policy **BE TABLED** in the next Council sitting for final adoption.

A19/2007

THE 2005 – 2009 VALUATION ROLL (6/17/1) (P 6)

1. PURPOSE

To inform Council that the Valuation Roll of 2005 – 2009 has been submitted or public inspection and comments.

COUNCIL RESOLVED: (2007-04-03)

1. That the Council **TAKES NOTE** that the Valuation Roll has gone for public participation.
2. That the Valuation Roll and public comments **BE TABLED** in the next meeting of Council.

A20/2007

MONTHLY BUDGET REPORTS – FEBRUARY 2007 (6/1/1/1) (P 8: ANNEXURES P 1 – P 11)

1. PURPOSE

To submit to Council the Budget report for February 2007 in terms of Section 71 of the Municipal Finance Management Act number 56 of 2003 for information.

COUNCIL RESOLVED: (2007-04-03)

That the Council **TAKES NOTE** of the monthly Section 71 report for February 2007.

A21/2007

WRITING OFF OF IRRECOVERABLE DEBTS (6/18/1) (P 9: ANNEXURES P 12)

1. PURPOSE

To request the Council to approve to write off the debt that is irrecoverable.

COUNCIL RESOLVED: (2007-04-03)

1. That the Council **RESOLVES** to write off the amount of R8 395 834,94 as irrecoverable.
2. That the Municipal Manager **ENSURES** that the mentioned properties are registered on the Municipal Asset Register.

A22/2007

COMMUNICATION STRATEGY FOR MATJHABENG LOCAL MUNICIPALITY (7B) (P 13: ANNEXURES – SEPARATE COVER)

1. PURPOSE

To submit to Council a Communication Strategy for Matjhabeng Municipality.

COUNCIL RESOLVED: (2007-04-03)

That the Council **APPROVES** the Matjhabeng Communication Strategy.

A23/2007

PROGRESS REPORT ON THE CURRENT STATUS OF NALEDI FILLING STATION (PANELBEATER): SITE 8009 T1 THABONG (6/1/2/3) (P 14: ANNEXURES P 13 – 25

1. PURPOSE

The purpose of the item is to inform the Council on the current status of site 8009, T1, Thabong also known as Naledi Filling Station (Panelbeater).

COUNCIL RESOLVED: (2007-04-03)

1. That the contract with Mr Msomi **BE TERMINATED**.
2. That Mr Msomi **FORFEITS** the deposit of R26 000,00.
3. That Mr Mpatane **FORFEITS** the R30 000,00 he used for renovations as he was not authorized by Council to do so.
4. That the **NEXT STEP** to be embarked upon **IS TO TAKE LEGAL ACTION** against the Purchaser by terminating the Agreement of Sale between the Municipality and Purchaser and to evict the Purchaser from the premises.
5. That Council **RESOLVES TO INVITE** new tenders for sale on site 8009, T1, Thabong.

A24/2007

FORMALISATION OF T11, JERUSALEM PARK (20/14/4/3) (P 17: ANNEXURES P 26 – P 27)

1. PURPOSE

To submit a proposal to Council for the formalization of T11, Jerusalem Park, and the allocation of sites to qualifying residents.

COUNCIL RESOLVED: (2007-04-03)

Option 1

That the vacant service sites **BE IDENTIFIED** in different Wards for allocation to T11 residents to enable them to pay Municipal Services.

Option 2

That T11 Jerusalem Park **BE FORMALIZED TO ACCOMMODATE** the residents to enable them to pay Municipal Services.

A25/2007

ESTABLISHMENT OF THE AUDIT COMMITTEE (6/12/3/1) (P 19: ANNEXURES P 28 – P 32)

1. PURPOSE

To obtain approval from the Council on the establishment of the Audit Committee as required by the Municipal Finance Management Act, No 56 of 2003.

COUNCIL RESOLVED: (2007-04-03)

1. That the Council **APPOINTS** the following candidates as members of the Audit Committee:
 - CB Bovungana;
 - ML Sitole;
 - MMC Mokhampanyane.
2. That the allowances of members **BE INCREASED** to R2 500,00 per member per sitting which is market-related, competitive and in line with Council's Operational Budget.

A26/2007

SPECIAL INVESTIGATING UNIT: ALLEGED IRREGULARITIES (6/12/2/1) (P 21: ANNEXURES P 33 – 34)

1. PURPOSE

The purpose of the item is to inform Council of the Special Investigating Unit's correspondence dated 22 March 2007 and also for the Council to pronounce itself on the advice given by the Special Investigating Unit following the allegations of the Auditor-General's report for the Financial Year 2004/2005 and other allegations.

COUNCIL RESOLVED: (2007-04-03)

1. That the Special Investigating Unit (SIU) **BE REQUESTED TO INSTITUTES** the Forensic Investigation.

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2. That the investigation **BE FINALIZED** in June 2007.

A27/2007

DRAFT POLICY FRAMEWORK ON ALIENATION OF LAND (8/B) (P 22: ANNEXURES P 35 – 37)

1. PURPOSE

To submit before Council the proposed draft Policy on the Alienation of Land within the Matjhabeng Municipal Council.

COUNCIL RESOLVED: (2007-04-03)

1. That Council **APPROVES** the draft proposed policy framework on the alienation of land by competitive bidding for commercial and residential enterprises in accordance with the Municipal Finance Management Act (MFMA) and Supply Chain Management Policy.
2. That Council **APPROVES** that the Municipal Manager deals with churches and schools as required in accordance with the Municipal Finance Management Act (MFMA) and Supply Chain Management Policy.
3. That the qualification Criteria **BE** in terms of South African Constitution.

A28/2007

MATJHABENG LOCAL MUNICIPALITY: DRAFT BY-LAWS (1/2/1) (P 26: ANNEXURES P 38 – 54)

PURPOSE

The aim of the report is to inform the Council about the proposed Draft By-Laws for Matjhabeng Local Municipality.

COUNCIL RESOLVED: (2007-04-03)

1. That the Draft By-Laws **BE ADOPTED** as Draft By-Laws.
2. That the Notice for the Drafts By-Laws **BE PUBLISHED** for public comments in the local newspapers and be placed in all local libraries including other municipal buildings within the jurisdiction of Matjhabeng Local Municipality.

A29/2007

PROPOSED ESTABLISHMENT OF THE DEPARTMENT INTERNAL AUDIT (2/1)
(P 29: ANNEXURES P 55)

1. PURPOSE

To request that Council approves the establishment of the Department Internal Audit.

COUNCIL RESOLVED: (2007-04-03)

1. That Council **APPROVES** the establishment of the proposed Internal Audit Department.
2. That the Municipal Manager **IMPLEMENTS**, with immediate effect, the necessary processes for the establishment of the department.

A30/2007

FREEDOM DAY CELEBRATIONS (27 APRIL 2007) (14/2/1) (P 31)

1. PURPOSE

To request Council to consider a request to make the Freedom Day celebrations an annual event.

COUNCIL RESOLVED: (2007-04-03)

1. That Council **MANDATES** the Executive Mayor to organize the Freedom Day celebrations.
2. That the Freedom Day celebrations **BECOME** an annual event.

A31/2007

REPORT OF THE COMMITTEE INVESTIGATING SUSPECTED BREACHES OF THE CODE OF CONDUCT BY COUNCILLORS: ODYSSEY HOLDINGS (PTY) LTD (6/12/2/1) (P 32: ANNEXURES P 56 – P 62)

1. PURPOSE

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

// Before the item was entertained Council ZA Thuthani was requested to recuse himself.//

COUNCIL RESOLVED: (2007-04-03)

1. That the committee **FAILED TO APPLY** the principle of natural justice during their investigating process.
2. That **THERE WAS NO** concrete/*prima-facie* evidence that there were any interference by Councillors including Cllr Thuthani.
3. That the committee **BE DISSOLVED** and the case **BE FINALLY** closed.

A32/2007

REPORT OF THE COMMITTEE INVESTIGATING SUSPECTED BREACHES OF THE CODE OF CONDUCT BY COUNCILLORS: FALKIA CONSULTANTS (SPEAKER) (6/12/2/1) (P 33: ANNEXURES P 63 – P 74)

1. PURPOSE

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

COUNCIL RESOLVED: (2007-04-03)

1. That the recommendation submitted to the Council on 7 December 2006 by the AD Hoc Committee that “Disciplinary Action against the former Executive Mayor **BE WITHDRAWN**” **THAT IT BE RETAINED.**
2. That the committee **BE DISSOLVED** and the case **BE FINALLY** closed.

A33/2007

WITHDRAWAL AND REPLACEMENT OF CLLR BA MONTSHIOA AS CHAIRPERSON OF THE OVERSIGHT COMMITTEE (4/1/2/2) (P 33)

1. PURPOSE

To request Council to approve the withdrawal and replacement of Cllr BA Montshioa as Chairperson of the Oversight Committee.

COUNCIL RESOLVED: (2007-04-03)

1. That Cllr BA Montshioa **BE FORMALLY WITHDRAWN** as Chairperson of the Oversight Committee since he is now a Member of the Mayoral Committee and he **BE REPLACED** by Cllr M Matlabe.

2. That Cllr P Motshabi **BE APPOINTED** to chair the Oversight Committee.