

MINUTES

OF THE

**1ST ORDINARY MEETING
FOR THE YEAR 2003**

of

MATJHABENG MUNICIPALITY

held on

TUESDAY, 25 FEBRUARY 2003

at

16:00

COUNCILLORS PRESENT : COUNCIL MEETING : 25 FEBRUARY 2003

ANC

PROPORTIONAL			
1.	Leeuw SJ (Executive Mayor)	14.	Dlova TW
2.	Matsepe TV (Speaker)	15.	Ikaneng MI
3.	Chao MK (MMC)	16.	Mafantire MJ (Written apology)
4.	Menong KS (MMC)	17.	Mafongosi VZ (Absent without apology)
5.	Ramaisa KA (MMC)	18.	Mashinini NL
6.	Tladi RE (MMC)	19.	Alexander RR
7.	Thuthani ZA (MMC)	20.	Radebe ML
8.	Matosa AN (Written apology)	21.	Sephiri MJ
9.	Matlabe MMT	22.	Tihone ML
10.	Mbana MA	23.	Vanga M
11.	Mokhathi PE (Absent without apology)	24.	Kotzee D (Written apology)
12.	Bengu VV	25.	Segalo SS (Sick note)
13.	Dali VN	26.	Kujoana MA
WARD			
27.	Matsbukanye MM (Absent without apology)	42.	Mfebe MSE (Absent without apology)
28.	Tshabangu SE (MMC) (Sick note)	43.	Mhlaba N
29.	Mohlodi PP (Written apology)	44.	Mokolutlo LA (Absent without apology)
30.	Mogole RR	45.	Montshioa BA (MMC)
31.	Liphoko SJ (Absent without apology)	46.	Mosala MS
32.	Mokoena ME	47.	Nakwa TA
33.	Masienyane MD (Absent without apology)	48.	Ngangelizwe S
34.	Baaitjies M	49.	Radebe LLF
35.	Dassie YS	50.	Ramojela JN
36.	Dlamini SC (Absent without apology)	51.	Rubulana L
37.	James TH (Absent without apology)	52.	Seboholi CP
38.	Khalipha TD (Chief Whip)	53.	Taliwe FE
39.	Mabuya FF	54.	Thoabala TE (MMC) (Written apology - application to leave early)
40.	Manzana NR	55.	Tsoene TD
41.	Masoka NL	56.	Tsatsa SJ

DA

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



UDM

PROPORTIONAL	
71.	Motshabi MP

PAC

PROPORTIONAL	
72.	Majoe TS

OFFICIALS

Mr RSB Sesele	–	Municipal Manager
Mr R Spies	–	Corporate Executive Manager : Engineering Services
Mr V Adonis	–	Corporate Executive Manager : Community Services and Social Development
Mr BP Molatseli	–	Executive Manager : Corporate Services
Dr K van der Walt	–	Executive Manager : Economic Development and Spatial Planning
Mr S Makhasi	–	Executive Manager : Human Resources
Mr TM Ngesi	–	Executive Manager : Housing Development and Environmental Management
Mr RN Pitso	–	Corporate Executive Manager : Financial Management
Me. A Sephton	–	Corporate Services (Scribe)

1. OPENING

Pastors David Kgware and Eric Chandler opened the meeting with Scripture reading and prayer.



2. OFFICIAL ANNOUNCEMENTS OF THE SPEAKER

The office of the Speaker had no official announcements. The announcement that was made relates to a letter written by Clr TE Thoabala, which reads as follows :

ANNOUNCEMENT

" ESTABLISHMENT : MATJHABENG YOUTH COUNCIL

Please receive my letter about the abovementioned matter.

The letter sent to Councillors about the formation of Ward Youth Units stated that the Youth Council will be established on the 21 March 2003 so please be advised that the Conference is rescheduled for the 27, 28 April 2003 as per request from the other Councillors and Youth Formations.

I hope this is in order.

Youth in Youth Development.

TE THOABALA
MMC : CS AND SD"

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

None

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

None

5. REPORTS RECEIVED FROM THE SPEAKER

Items A1/2003 - A3/2003

The above items were dealt under Item 14 of the agenda.

IV

6. MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

6.1 The Speaker congratulated the following Councillors on their birthdays :

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

7. MOTIONS OF SYMPATHY AND CONGRATULATIONS FROM OTHER MEMBERS

None

8. DEPUTATIONS AND INTERVIEWS

None

9. DISCLOSURE OF INTEREST

None

10. MINUTES OF THE PREVIOUS MEETINGS

COUNCIL RESOLVED : (25 FEBRUARY 2003)

10.1 That the minutes of the meeting held on 10 December 2002 **BE APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting.

10.2 That the minutes of the meeting held on 28 January 2003 **BE APPROVED** and **CONFIRMED** as a true reflection of what transpired at the meeting subject to the following amendments :

V

10.2.1 That point 1 and 2 in the discussions of Item C1/2003 be rectified to read as follows :

"10.2.1.1 They disassociated themselves from any actions that will be taken by the incumbent of the position because they did not get the documentation pertaining to the applicants at all.

10.2.1.2 They refused to accept responsibility for the appointment of the incumbent because they did not take part in the interviews of the short-listed candidates, hence there was no transparency on the appointment of the candidate."

10.2.2 As there was no consensus reached on what the actual wording should be on the discussions pertaining to Item C1/2003, that the tapes should be listened to and a transcript of these discussions be made available to the Political Parties to enable Council to get certainty on the matter.

RESOLVED

1. That the tapes **BE LISTENED** to and the verbatim report on item C1/2003 **BE REFERRED** to the next Council meeting to get finality on the resolution of C1/2003.
2. That the tapes of the 28 January 2003 meeting **BE MADE AVAILABLE** to the office of the Speaker for safekeeping.

11. FORMAL SIGNING OF MINUTES

The Speaker formally signed the approved minutes of 10 December 2002.

12. MATTERS ARISING FROM THE MINUTES

Clr DC Smit raised the following concerns in terms of Rule 53 regarding Item C1/2003 of 28 January 2003 :

- [MM]
1. Why were documents not sent timeously ?
 2. Why were only certain parties included in invitations for the interviews and not others ?

VI

A report would be submitted at the next Council meeting, and the Municipal Manager would answer Clr DC Smit within 14 days as stipulated in Rule 53 of the Standing rules and orders.

13. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Response of the Municipal Manager is attached as Annexure "A" of this minutes.

Clr MP Motshabi submitted 2 questions :

- [MM]
1. Indigent Policy
 2. Contractor/s - water cut-offs.

The Speaker did not accede to the questions as their presentation did not comply with Rule 52.

The Speaker ordered that the questions be dealt with in terms of Rule 53 as having been raised by the Councillor from the floor.

Response of the Municipal Manager is attached as Annexure "B" of this minutes.

14. REPORTS OF THE EXECUTIVE MAYOR, THE SPEAKER AND COMMITTEES

The Executive Mayor presented Items **A1/2003** to **A5/2003**, **A9/2003** to **A12/2003** and **C2/2003** to **C4/2003** and the resolutions of Council in this regard are on pages **1 - 7** of these minutes.

15. REPORTS OF DECISIONS TAKEN UNDER DELEGATED POWERS

The Executive Mayor presented his report on discussions taken under delegated powers and the resolution in this regard is on page **5** Item **A13/2003** of these minutes.

16. MOTIONS

None

17. CLOSURE

The meeting ended at **19:48**.

.....
DATE

.....
TV MATSEPE (SPEAKER)

A1/2003

MOTTO : MATJHABENG MUNICIPALITY (13/3/1) (MCA) (P 1 : ANNEXURES P 1)

COUNCIL RESOLVED : (25 FEBRUARY 2003)

[SPEAKER] That this item **BE REFERRED** to the Language Committee to make a shortlist of 6 motto's and **MAKE** a recommendation to Council.

A2/2003

THE SPEAKER'S ANNUAL REPORT (12/1/2/10) (MCA) (OFFICE OF THE SPEAKER) (P 2)

During discussion of this matter, the Speaker handed the Chair to the Municipal Manager.

COUNCIL RESOLVED : (25 FEBRUARY 2003)

[SPEAKER] 1. That the Speaker's Annual report **BE ACCEPTED** subject to the following amendments :

1.1 " *Mrs Lindy Mhlafu from Odendaalsrus resigned and she was replaced by Petrus Thulo.*"

1.2 " *That Mr Simon Maduna of Ward 13 resigned and was replaced by Reverend Matshoba.*"

1.3 " *That the discrepancies on the percentages on the attendance of Councillors of meetings for the year 2002 be corrected.*"

A3/2003

LANGUAGE FACILITATION (20/17/1/3) (MCA) (OFFICE OF THE SPEAKER) (P 3 : ANNEXURES 2 - 3)

COUNCIL RESOLVED : (25 FEBRUARY 2003)

[SPEAKER]
[EMCS] 1. That Resolution 23 of 19 December 2000 which reads as follows **BE RESCINDED.**

2. That a Section 79 Language Committee **BE RECONSTITUTED** consisting of :

Councillors

Manager : Customer Care

Executive Manager : Corporate Services

Community Liaison and Governance Officer : Office of the Speaker

2

3. That customer care **PROVIDE** a Secretary for the Committee.
4. That Council **NOMINATE** Councillor TW Dlova as Chairperson of the Committee.
5. That translations during public meetings and Council meetings **RESUME** as soon as possible.
6. That the Language Committee **REPORT** to the Speaker who will report to Council on a 3 monthly basis.
7. That the Executive Manager : Corporate Services **START** with the review of the language needs of the community as a matter of urgency and prepare a report to the Language Committee before the next Council meeting for the Committee to report to the Council.
8. That the current Language Policy **BE REVIEWED** taking into consideration the result of the needs assessment as intended in paragraph 6.
9. That the Executive Manager : Corporate Services **SUBMIT** a comprehensive schedule of how he will deal with the current backlog and future translations of the Council's Policies and important documents.
10. That the Language Committee **SUBMIT** proposals on the terms of reference for the Committee during the next Council sitting for consideration and approval.

A4/2003

THE EXECUTIVE MAYOR'S ANNUAL REPORT (12/1/2/11) (MCA) (OFFICE OF THE EXECUTIVE MAYOR) (P 6)

COUNCIL RESOLVED : (25 FEBRUARY 2003)

[EXEC. MAYOR] That the Executive Mayor's Annual report **BE ACCEPTED** and **ADOPTED** with the substitution of the word "foreword" with "Summary".

A5/2003

MANAGEMENT AND MAINTENANCE OF SPORT AND RECREATION FACILITIES (CEMCSSD) (10/2) (P 7)

COUNCIL RESOLVED : (25 FEBRUARY 2003)

[CEMCSSD] 1. That the proposed policy on the Management and Maintenance of Sport Facilities **BE APPROVED** subject to the following amendments :

3

" That under A - Municipal Service Partnership : the water and electricity be the responsibility of the partner and not the municipality as stated in the policy."

2. That the White Paper on Municipal Service Partnerships, Notice 1689 of 2000, **BE USED** as a guideline for the Municipal Service Policy.

A9/2003

PERSONAL ASSISTANT TO THE EXECUTIVE MAYOR : SALARY INCREASE AND POST LEVEL ADJUSTMENT (5/3/2/1) (2/1) (MCA) (P 23 : ANNEXURES P 24 - 26)

This item was discussed simultaneously with Item A12/2003 which appeared on page 27 of the addendum to the meeting.

During discussion of this item the ANC requested that the Mayor's report be accepted and that the action taken by the Executive Mayor be condoned in respect of Council Resolution A78 dated 25 September 2002 and that the Personal Assistant be promoted to Post Level 3.

The DA was not satisfied with this on the ground amongst others that the evaluation of the position of the Personal Assistant was not scientifically done.

1. They therefore proposed that they were against the salary adjustment as per Item A11/2002.
2. That all costs incurred by the adjustment be recovered from the persons responsible for the decision.
3. That condonation of the expenditure not be granted.

The Executive Mayor reacted by saying that all the correct procedures were followed and that the system of evaluation was used. The position and not the incumbent was evaluated. The evaluation of the post was done with the assistance of experts in the administration and was scientifically done.

The DA requested a caucus after which the deliberations continued. The ANC also requested a caucus. After the caucus both parties stuck to their proposals and the Speaker put the matter to the vote.

Votes counted for the DA proposal were 10.
Votes counted for the ANC proposal were 40.
There was 1 abstention of UDM.

4

COUNCIL RESOLVED : (25 FEBRUARY 2003)

- [EXEC. MAYOR]
[EMHR]
1. That the report submitted by the Executive Mayor regarding the salary increase and post level adjustment as well as evaluation of the post of the Personal Assistant **BE ACCEPTED** and that the action taken by the Executive Mayor **BE CONDONED** in respect of Council Resolution A78 of 25 September 2002.
 2. That the Personal Assistant **BE PROMOTED** to Post Level 3.

A10/2003

MATJHABENG - FINANCIAL REPORT (12/1/2/3) (CEMFM) (P 25 : ANNEXURES P 27 - 45)

COUNCIL RESOLVED : (25 FEBRUARY 2003)

- [CEMFM]
1. That this item **BE REFERRED** back due to the doubtfulness of the figures set out therein.
 2. That the action plan from the Corporate Executive Manager : Financial Management **BE ENDORSED** by Council and that a progress report in respect of the correction of figures and a more user friendly format **BE SUBMITTED** to Council.

A11/2003

PERFORMANCE MANAGEMENT SYSTEM DRAFT POLICY (5/3/2/1) EXECUTIVE MAYOR (MM) (P26 : ANNEXURES P46 - 63)

COUNCIL RESOLVED : (25 FEBRUARY 2003)

- [EXEC. MAYOR]
[MM]
1. That the Executive Mayor **PRESENT** this draft policy as a first draft to allow input by the Council and any other person the Council may want for further input (See p. 46 to p. 63 of the Annexures).
 2. That the Executive Mayor and the Municipal Manager **MUST USE** this draft to sensitize all the employees about it.
 3. That the Executive Mayor **WOULD** allow a period of inputs to be 21 working days from the date of submission to Council.

5

A12/2003

EXECUTIVE MAYOR'S REPORT ON THE EVALUATION OF POST OF PERSONAL ASSISTANT (P27)

COUNCIL RESOLVED : (25 FEBRUARY 2003)

This item was handled as per Item A9/2003.

A13/2003

REPORT ON DECISIONS TAKEN UNDER DELEGATED POWERS (3/1/2) (MM) (EXECUTIVE MAYOR'S REPORT PAGE 1 – 159)

COUNCIL RESOLVED : (25 FEBRUARY 2003)

[EMCS]

That the reports and decisions as presented in SMC25/2002 to SMC33/2002, MC353/2002 to MC357/2002, SMC1/2003 to SMC3/2003, MC1/2003 to MC7/2003 and MC9/2003 to MC10/2003 and MC12/2003, SMC4/2003 to SMC8/2003, MC12/2003 to MC17/2003 and MC20/2003 to MC26/2003 as they appear on the Annexures marked **Executive Mayor's report**, taken by the Executive Mayor under delegated powers, **BE CONFIRMED**.

C2/2003

APPEAL IN ACCORDANCE WITH THE CONDITIONS OF SERVICE OF COUNCIL : MR E MAKHUBU (91/2002) (EMHR) (P 15)

During discussion of the matter, the public and media were requested to be excused from the proceedings. The Executive Mayor, Mayoral Committee members : MK Chao, KS Menong, KA Ramaisa, RE Tladi, ZA Thuthani, BA Montshioa, TE Thoabala and Portfolio Committee for Human Resources members : MMT Matlabe, ML Radebe, MA Kujoana, L Rubulana, B Bothma M Baaitjies and the Executive Manager : Human Resources requested to leave as the matter was already discussed by them.

COUNCIL RESOLVED : (25 FEBRUARY 2003)

[EMHR]

1. That the appeal of Mr Makhubu **NOT BE GRANTED**.
2. That the finding of the disciplinary committee **BE UPHELD** and that he **BE DISMISSED** due to the following reasons:
 - a) The fact that his vehicle was found in the security area where it was not supposed to be with its headlights not lit.

6

- b) The Council's property (Meter boxes and battery) was in the boot of his vehicle of which photos were taken to show proof.
 - c) He made a written statement whereby he confirmed that he knowingly took Council's property.
 - d) The area with marks where the equipment was stolen, was also identified.
 - e) His key witness by the name of Alfred of Theunissen was not brought in to testify. There is doubt amongst the committee that there is truth in saying there is such a witness.
 - f) On numerous occasions he was afforded an opportunity, amongst others the postponement of the case to call the witness to come and testify.
3. That Mr Makhubu **HAS** the right to take the matter further to a higher authority if he so wishes.

C3/2003

APPEAL IN ACCORDANCE WITH THE CONDITIONS OF SERVICE OF COUNCIL : MR ME HLATSWAYO (143/2002) (EMHR) (P 18 : ANNEXURES 4 - 15)

During discussion of the matter the public and media were requested to be excused. The Executive Mayor, Mayoral Committee members : MK Chao, KS Menong, KA Ramaisa, RE Tladi, ZA Thuthani, BA Montshioa, TE Thoabala and Portfolio Committee members for Human Resources : MMT Matlabe, ML Radebe, MA Kujooana, L Rubulana, B Bothma, M Baaitjies and the Executive Manager : Human Resources requested to leave as the matter was already discussed by them.

COUNCIL RESOLVED : (25 FEBRUARY 2003)

[EMHR] That Mr Hlatswayo **BE RE-EMPLOYED** with effect from 1 December 2002 in the Section where he was working due to the following reasons that were noted by the Committee :

- (i) The fact that Mr Hlatswayo has 8 loyal years service with the Municipality.
- (ii) The extent of honesty Mr Hlatswayo has expressed.
- (iii) The social impact Mr Hlatswayo's dismissal has caused on his family.

7

- (iv) The submission made by the Section Supervisor where Mr Hlatswayo worked i.e. the negative impact his departure has caused the department with regard to the unavailability of drivers.
- (v) The extent of remorse shown by Mr Hlatswayo.

C4/2003

APPEAL IN ACCORDANCE WITH THE CONDITIONS OF SERVICE OF COUNCIL : GA SIMELO (189/2002) (EMHR) (P 21 : ANNEXURES P 16 - 23)

During discussion of the matter the public and media were requested to be excused. The Executive Mayor, members of the Mayoral Committee : MK Chao, KS Menong, KA Ramaisa, RE Tladi, ZA Thuthani, BA Montshioa, TE Thoabala and members of the Portfolio Committee for Human Resources : MMT Matlabe, ML Radebe, MA Kujoana, L Rubulana, B Bothma, M Baaitjies and the Executive Manager : Human Resources were requested to leave as the matter was already discussed by them.

COUNCIL RESOLVED : (25 FEBRUARY 2003)

[EMHR]

1. That the appeal of Mr GA Simelo **BE DISMISSED** as no evidence was presented that could lead the committee to review and decide against the decision of the Mayoral Committee.
2. That the resolution of the Mayoral Committee taken on 17 April 2002 **BE UPHELD** i.e. that Mr Simelo **BE DISMISSED**.
3. That Mr Simelo **CAN TAKE** the matter further to a higher authority if he so wishes.

I N D E X

ITEM NO	ITEM	PAGE
A1/2003	MOTTO : MATJHABENG MUNICIPALITY (13/3/1) (MCA)	1
A2/2003	THE SPEAKER'S ANNUAL REPORT (12/1/2/10) (MCA) (OFFICE OF THE SPEAKER)	1
A3/2003	LANGUAGE FACILITATION (20/17/1/3) (MCA) (OFFICE OF THE SPEAKER)	1
A4/2003	THE EXECUTIVE MAYOR'S ANNUAL REPORT (12/1/2/11) (MCA) (OFFICE OF THE EXECUTIVE MAYOR)	2
A5/2003	MANAGEMENT AND MAINTENANCE OF SPORT AND RECREATION FACILITIES (CEMCSSD) (10/2)	2
A9/2003	PERSONAL ASSISTANT TO THE EXECUTIVE MAYOR : SALARY INCREASE AND POST LEVEL ADJUSTMENT (5/3/2/1) (2/1) (MCA)	3
A10/2003	MATJHABENG - FINANCIAL REPORT (12/1/2/3) (CEMFM)	4
A11/2003	PERFORMANCE MANAGEMENT SYSTEM DRAFT POLICY (5/3/2/1 (EXECUTIVE MAYOR) (MM)	4
A12/2003	EXECUTIVE MAYOR'S REPORT ON THE EVALUATION OF POST OF PERSONAL ASSISTANT (P27)	5
A13/2003	REPORT ON DECISIONS TAKEN UNDER DELEGATED POWERS (3/1/2) (MM) (EXECUTIVE MAYOR'S REPORT PAGE 1 – 159)	5
C2/2003	APPEAL IN ACCORDANCE WITH THE CONDITIONS OF SERVICE OF COUNCIL: MR E MAKHUBU (91/2002) (EMHR)	5
C3/2003	APPEAL IN ACCORDANCE WITH THE CONDITIONS OF SERVICE OF COUNCIL: MR ME HLATSWAYO (143/2002) (EMHR)	6
C4/2003	APPEAL IN ACCORDANCE WITH THE CONDITIONS OF SERVICE OF COUNCIL : GA SIMELO (189/2002) (EMHR)	7

THE RESPONSE OF MUNICIPAL MANAGER : CLR MOTSHABI

ANNEXURE "A"

THE RESPONSE OF MUNICIPAL MANAGER : CLR SMIT

ANNEXURE "B"