

MINUTES

of

5TH ORDINARY COUNCIL MEETING FOR THE YEAR 2019

of

MATJHABENG MUNICIPALITY

held on

WEDNESDAY, 18 SEPTEMBER 2019

at

15:00

at the

**COUNCIL CHAMBERS, CIVIC CENTRE,
WELKOM**

COUNCILLORS ATTENDANCE

CONTINUATION OF ORDINARY COUNCIL MEETING MINUTES: 18 SEPTEMBER 2019

PROPORTIONAL			
1.	Stofile B (Speaker)	18.	Masina XN
2.	Sephiri MJ (Chief Whip) (Absent)	19.	Mawela VE
3.	Speelman NW (Executive Mayor) (leave)	20.	Moipatle KSV
4.	Badenhorst MJ	21.	Mthebere NA
5.	Botha PF	22.	Nqeobo ME
6.	Dyantyi A	23.	Ntsebeng MH
7.	Jacobs EJ	24.	Phofeli NM
8.	Jama BL	25.	Presente LN
9.	Kabi M	26.	Radebe MC
10.	Khetsi LE	27.	Radebe ML
11.	Letlhake TW	28.	Rakaki MM
12.	Lushaba TB	29.	Ramabodu BM
13.	Macingwane MT	30.	Sithole AM
14.	Mafaisa MG (Apology)	31.	Styger A (Apology)
15.	Manenye AJ	32.	Taljaard SDM
16.	Manese SD	33.	Thelingoane NE
17.	Marais JS	34.	Tshopo ME (Apology)
		35.	Van Rooyen KV
WARD			
37.	Badenhorst HS	55.	Morris VR
38.	Chaka MS	56.	Moshoeu ZS
39.	Daly A	57.	Mosia TJ
40.	Tshokotshela NJ	58.	Mphikeleli MA
41.	Khothule MJ	59.	Nkonka BB
42.	Kopela MP (Absent)	60.	Nthako TD
43.	Liphoko SJ	61.	Ntuli BN
44.	Mafa DM	62.	Pholo SJ
45.	Mahlumba BH (Absent)	63.	Poo IP
46.	Malherbe C (Apology)	64.	Ramalefane SJ
47.	Manzana NR	65.	Ramatisa PT
48.	Masienyane MD (Apology)	66.	Sebotsa MM (Absent)
49.	Meli TS	67.	Thelingoane TJ
50.	Mokhomo HA	68.	Tlake KR
51.	Molefi M	69.	Tsatsa SJ
52.	Molelekoa PMI (Absent)	70.	Tshabangu SE
53.	Moloja NJ	71.	Van Rooyen MS (Apology)
54.	Monjovo Xaba NE (Apology)	72.	Van Schalkwyk HCT

II

EXECUTIVE MANAGEMENT

Mr ET Tsoaeli	:	Municipal Manager
Mr T. Makofane	:	Executive Director: Strategic Support Services
Mr FF Wetes	:	Executive Director: Corporate Service
Mr CT Panyani	:	Chief Financial Officer

COUNCIL ADMINISTRATION SECRETARIAT

Mr MT Atolo	:	Senior Manager: Council Administration
Me DF Ramakhale	:	Admin Officer (Corporate Services)

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The following items were discussed in the continuation of the Council meeting A55/2019 - A60/2019 and A69/2019- A72/2019 and A79/2019 – A80/2019 and A85/2019 – A95/2019.

A55 of 2019

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR P.F. BOTHA (MM) (3/1/3/2)

PURPOSE

To submit the questions raised by Cllr P.F. Botha and the response thereon by the Municipal Manager.

DISCUSSION

The Speaker allowed Cllr P.F. Botha to comment on the response received from the Municipal Manager. Cllr P.F. Botha indicated that he will engage further with the Office of the Municipal Manager if he needs follow up questions.

COUNCIL RESOLVED: (06 SEPTEMBER 2019)

1. That Council **TAKES NOTE** of the Municipal Manager's report.

A56 of 2019

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR P.F. BOTHA (MM) (3/1/3/2)

PURPOSE

To submit the questions raised by Cllr P.F. Botha and the response thereon by the Municipal Manager.

DISCUSSION

The Speaker allowed Cllr P.F. Botha to comment on the response received from the Municipal Manager.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **TAKES NOTE** of the Municipal Manager's report.

A57 of 2019

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR M. J. BADENHORST (MM)
(3/1/3/2)

PURPOSE

To submit the questions raised by Cllr M.J.Badenhorst and the response thereon by the Municipal Manager.

DISCUSSION

The Speaker allowed Cllr M.J.Badenhorst to comment on the response received from the Municipal Manager, she indicated with regard to the refuse removal the matter was resolved in the office of the Municipal Manager.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **TAKES NOTE** of the Municipal Manager's report.

A58 of 2019

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR M. J. BADENHORST (MM)
(3/1/3/2)

PURPOSE

To submit the questions raised by Cllr M.J.Badenhorst and the response thereon by the Municipal Manager.

DISCUSSION

The Speaker allowed Cllr M.J.Badenhorst to comment on the response received from the Municipal Manager. She indicated that in terms of the cemetery there is a work in progress.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **TAKES NOTE** of the Municipal Manager's report.

A59 of 2019

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR T. MACINGWANE (MM)
(3/1/3/2)

PURPOSE

To submit the questions raised by Cllr T. Macingwane and the response thereon by the Municipal Manager.

DISCUSSION

The Speaker allowed Cllr T. Macingwane to comment on the response received from the Municipal Manager

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **TAKES NOTE** of the Municipal Manager's report.

A60 of 2019

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR T. MACINGWANE (MM)
(3/1/3/2)

PURPOSE

To submit the questions raised by Cllr T. Macingwane and the response thereon by the Municipal Manager.

DISCUSSION

The Speaker allowed Cllr T. Macingwane to comment on the response received from the Municipal Manager

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **TAKES NOTE** of the Municipal Manager's report.

//The Speaker requested the Acting Executive Mayor to explain the commitment and the promise made by the Executive Mayor in the previous Council meeting regarding issues on financial matters. The Acting Executive Mayor reported that the Executive Mayor has made a request that he be given a period of three months, due to the fact that there are some issues that need more attention, and he will therefore report back in the next Council meeting//.

A69 of 2019

PROGRESS REPORT ON THE APPOINTMENT OF SECURITY OFFICERS AND TRAFFIC WARDENS (EXECUTIVE MAYOR)

PURPOSE

The purpose of this item is to provide to Council an update regarding the recruitment process of the Security Officers and the Traffic Wardens.

DISCUSSION

The acting Executive Mayor presented the item to Council.

During the discussion on the item, Cllr P.F. Botha requested that the matter be given a time – frame and be concluded thereof.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That within two weeks' time the process of recruitment, placement on Security Officers and the Traffic Wardens **BE COMPLETED**.
2. That proper progress report **BE SUBMITTED** in the next Council meeting.

A70 of 2019

UPPER LIMIT OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS (EXECUTIVE MAYOR) (5/1)

PURPOSE

To provide the calculation of the total remuneration package payable to Municipal Manager and Managers directly accountable to Municipal Manager in terms of Government Notice no. 42023 of 8 November 2018.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That the item **BE WITHDRAWN**.

A71 of 2019

PROGRESS REPORT ON COUNCIL RESOLUTIONS (EXECUTIVE MAYOR) (2/2/2)

PURPOSE

To submit a progress report to Council on Council Resolutions for noting.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That the Council **TAKES NOTE** of the report.

A72 of 2019

THE FINANCIAL MANAGEMENT AND STATUS OF ERNEST OPPENHEIMER THEATRE (EXECUTIVE MAYOR) (9/2/1/1)

PURPOSE

To update the Council on the Financial Management and Status of Ernest Oppenheimer Theatre.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That the resolution on the Treasury opening a separate Bank Account for the theatre **BE RESCINDED**.
2. That the Municipal Manger manage mechanisms of migrating the Financial Management of the Bank Account of Oppenheimer Theatre to that of the Municipality with **IMMEDIATE EFFECT**.
3. That money generated **BE RING-FENCED** and be utilized for the benefit of the Ernest Oppenheimer Theatre.

A79 of 2019

REQUEST TO TEMPORARILY AVAIL SCHOOL SITES NO 39588,39484,39385,29248 THABONG FOR RELOCATION IN PHOKENG (EXECUTIVE MAYOR)

PURPOSE OF REPORT

To request permission from Council that sites no 39588, 39484, 39385, 29248 Thabong zoned for educational purpose be availed to temporarily relocate the remaining occupants of informal shacks in Phokeng.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **TAKES NOTE** of the report.
2. That that school sites no 39588, 39484, 39385 and 29248 Thabong **BE MADE AVAILABLE** to remaining occupants of shacks in Phokeng pending the provision of planned and pegged sites by the Provincial Human Settlements.
3. That MMC – Human Settlements **CONVENE** a meeting with the relevant Ward Councilor in order to address the issue of relocating the remaining occupants on the abovementioned school sites.
4. That four communal taps **BE INSTALLED** at school sites no 39588, 39484, 39385, 29248 Thabong.
5. That the process of allocating sites **BE EXPEDITED** and all necessary process must be followed to facilitate the matter.

A80 of 2019

APPLICATION FOR THE ALLOCATION OF A LAND AVAILABILITY AGREEMENT TO THE TSHWARAGANANG PROPERTY DEVELOPMENT TRUST FOR THE DEVELOPMENT OF LOW COST HOUSING IN EXTENSION 14, SAAIPLAAS VIRGINIA (EXECUTIVE MAYOR)

PURPOSE

The purpose of the report is to motivate the allocation of a Land Availability Agreement (251 erven) to the Tshwaraganang Property Development Trust for the development of low cost housing in Extension 14, Saaiplaas Virginia.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. The Land Availability Agreement with the Thwaraganang Property Development Trust (IT 2289/02) as enclosed on Page 22 to 33 of the Annexures be approved in principle and that the Municipal Manager **BE AUTHORIZED** to finalize the agreement in line with Resolution SA4/2014, but also inclusive of the following suspensive conditions pertaining to the development:
 - a) That the applicant applies on behalf of the beneficiaries and obtains approval for the individual subsidies from the Department of Human Settlement.
 - b) That the beneficiaries be identified in collaboration with Human Settlement.

- c) That the developer submits a services report to the Municipality for approval, also with the condition that feasibility be proven and that the developer will be financially responsible for the provision of all outstanding engineering services in the area.
- d) That any financial proposal from the developer in relation to the provision of services or the purchase of the land will be submitted to Council for approval.
- e) That the development commences within one year after signature of the LAA agreement.

A85 of 2019

DRAFT EMPLOYEE ASSISTANCE PROGRAM HANDBOOK AND PRESENTATION (EXECUTIVE MAYOR)

PURPOSE

To table the Draft Employee Assistance Program Handbook and Presentation to be used by Branch Wellness Programme for Induction purposes to Council for perusal and adoption.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **ADOPT** the proposed Draft Employee Assistance Program Handbook and Presentation to be utilized by Branch Wellness Programme for Induction.

A86 of 2019

PROPOSAL TO AMEND THE PAUPER, INDIGENT (DESTITUTE) AND UNKNOWN BURIAL POLICY AND TO INCREASE THE COSTS (EXECUTIVE MAYOR) (20/8/7)

PURPOSE

To submit to Council proposal to amend the Pauper Indigent (Destitute) and Unknown Burial Policy conditions and to increase the burial costs for adoption.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council takes note of the proposed on pauper indigent (destitute) and unknown Burial Policy and **BE AMENDED** as follows;
 - (a) That the costs be increased by 5.5% annually which is in line with CPIX **BE AMENDED**.

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- (b) That Amendments **BE SUBJECTED** to Community Participation and submitted to Council for approval.

A87 of 2019

TO REQUEST THE CONSIDERATION OF REVIEWED ANTI-FRAUD AND ANTI-CORRUPTION POLICY FOR THE YEAR 2019/20 (EXECUTIVE MAYOR)

PURPOSE

To present to Council the Anti-Fraud and Anti-Corruption Policy for the year 2019/20 for consideration.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **TAKES NOTES** the reviewed Anti-Fraud and Anti-Corruption Policy for the year 2019/20.
2. That a workshop **BE CONDUCTED** for all Councilors and Officials of Matjhabeng Municipality.

A88 of 2019

TO REQUEST THE CONSIDERATION OF ANTI-FRAUD AND ANTI-CORRUPTION STRATEGY FOR THE YEAR 2019/20 (EXECUTIVE MAYOR)

PURPOSE

To present to Council the Anti-Fraud and Anti-Corruption Strategy for the year 2019/20 to for consideration.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That the Council **TAKES NOTES** of the Anti-Fraud and Anti-Corruption Strategy for the year 2019/20.

A89 of 2019**TO REQUEST THE CONSIDERATION OF FRAUD PREVENTION PLAN FOR THE YEAR 2019/20 (EXECUTIVE MAYOR)****PURPOSE**

To present the Fraud Prevention Plan for the year 2019/20 to Council for consideration.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That the Council **TAKES NOTES** of the Fraud Prevention Plan for the year 2019/20.

A90 of 2019**TO REQUEST THE CONSIDERATION OF REVIEWED RISK MANAGEMENT POLICY FOR THE YEAR 2019/20 (EXECUTIVE MAYOR)****PURPOSE**

To present the reviewed Risk Management Policy for the year 2019/20 to Council for consideration

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **TAKES NOTES** of the reviewed Risk Management Policy for 2019/20.
2. That the reviewed Risk Management Policy for 2019/20 **BE SUBMITTED** to Council for **APPROVAL**.
3. That a workshop **BE CONDUCTED** for all Councilors of Matjhabeng Municipality.

A91 of 2019**TO REQUEST THE CONSIDERATION OF THE REVIEWED RISK MANAGEMENT STRATEGY FOR THE YEAR 2019/20 (EXECUTIVE MAYOR)****PURPOSE**

To present the reviewed Risk Management Strategy for the year 2019/20 Council for consideration.

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DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **TAKES NOTES** of the reviewed Risk Management Strategy for 2019/20.

A92 of 2019

TO REQUEST THE CONSIDERATION OF RISK MANAGEMENT IMPLEMENTATION PLAN FOR THE YEAR 2019/20 (EXECUTIVE MAYOR)

PURPOSE

To present the Risk Management Implementation Plan for the year 2019/20 to Council for consideration.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **TAKES NOTES** of the reviewed Risk Management Implementation Plan for the year 2019/20.

A93 of 2019

TO REQUEST THE CONSIDERATION OF WHISTLE-BLOWING POLICY FOR THE YEAR 2019/20 (EXECUTIVE MAYOR)

PURPOSE

To present the Whistle-Blowing Policy for the year 2019/20 to Council for consideration.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **TAKES NOTES** of the Whistle-Blowing Policy for the year 2019/20.
2. That the Whistle-Blowing Policy for the year 2019/20 be submitted to Council for **APPROVAL**.
3. That a workshop **BE CONDUCTED** for all Councilors of Matjhabeng Municipality.

A94 of 2019

**TO REQUEST THE APPROVAL OF THE MATJHABENG ICT POLICY FRAME-WORK
(EXECUTIVE MAYOR)**

PURPOSE

To present to Council Policy Frame-work that governs ICT for consideration.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **APPROVES** Matjhabeng ICT Policy Frame-work.
2. That a workshop **BE CONDUCTED** for all Councilors of Matjhabeng Municipality.

A95 of 2019

**MULTI PURPOSE PRECINCT DEVELOPMENT: PRINCIPLES FOR FINALISING THE
BULK SERVICES AGREEMENT BETWEEN THE MATJHABENG MUNICIPALITY
AND NFS LEJWELEPUTSWA COMMUNITY PARTNERSHIP TRUST: (EXECUTIVE
MAYOR) (18/2/2)**

PURPOSE OF REPORT

The purpose of the report is to present applicable legislative principles that will be applicable to the finalisation a bulk services agreement between the Matjhabeng Municipality and the NFS Lejweleputswa Community Partnership Trust, with specific reference to the financial responsibilities thereof, and also in accordance with previous Council Resolutions.

It is therefore the intention to motivate that the developer must submit to the Municipality a report tabling the Development Charges calculated using the 'net impact' method as per the National Treasury Guidelines for the implementation of Municipal Development Charges in South Africa 2018 Volume II, section 12, in order to quantify the actual financial responsibility for the Developer and Municipality, and in terms of which a final Bulk Services agreement can be finalised.

DISCUSSION

The acting Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (18 SEPTEMBER 2019)

1. That Council **APPROVES** the use of the Legislated principles of cost reimbursement and Development charges for the actual cost determination and cost responsibility pertaining to the cost items in Table 1 as basis for the finalization of the Engineering Services agreement and financial liability.

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2. That the developer **MUST SUBMIT** to the Municipality, upon appointment of a service provider/s for the construction of the bulk services, a report tabling the Development Charges calculated using the 'net impact' method as per the National Treasury Guidelines for the implementation of Municipal Development Charges in South Africa 2018 Volume II, section 12, in order to quantify the actual financial responsibility for the Developer and Municipality, and in terms of which the Bulk Services agreement can be finalised.
3. That, as soon as the final report on the calculated development charges and cost responsibilities was finalised and submitted to the Municipality, the Bulk Service agreement, inclusive of any offers from the developer to construct services on behalf of the Municipality and/or the possible reimbursement of the developer **BE FINALISED** within 14 days and submitted to Council for approval.
4. That approval **BE GRANTED** to the developer for the registration of a servitude for accommodating the 11kV electrical supply line to the project in accordance with the, position as indicated in the electrical report, and also inclusive of the necessary applications to and agreements with third parties.
5. That the developer in light of the Council approving the principles of drafting the Bulk services agreement, **BE PERMITTED** to commence with procurement of service providers and construction.

In closing, the Speaker indicated that he received a correspondence from women caucus which invite all Matjhabeng Councillors to form part of the march against Women and Child abuse which will take place on the 30th of September 2019.

The Speaker thanked everyone who participated in the meeting and closed the meeting at 17:56.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council **TAKES NOTE** of the new Councillor from EFF.

A59 of 2018

PUBLIC PARTICIPATION ENHANCEMENT (OFFICE OF THE SPEAKER) (3/8/1/1)

PURPOSE

To highlight the gaps and shortfalls within the system of the Public Participation in our Communities.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

2. That the item **BE WITHDRAWN**.

A60 of 2018

ESTABLISHMENT OF WOMEN MULTI PARTY CAUCUS IN MATJHABENG (SPEAKER) (3/8/1/3)

PURPOSE

To report back to Council on the election of the Women Multi-Party Caucus Committee and its Chairperson.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council **TAKES NOTE** of the establishment of Women Multi-Party Caucus.
2. That the following Councillors **ARE ELECTED** to serve in the Committee:
 - 2.1 Cllr KSV Moipatle as Chairperson;

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- 2.2 Cllr C. Malherbe as Deputy Chairperson;
- 2.3 Cllr AJ Jacobs as additional member;
- 2.4 Cllr XN Masina as additional member; and
- 2.5 Cllr N. Thelingoane as additional member.

A61 of 2018

COUNCILLOR WELFARE AND EMPOWERMENT SUPPORT (SPEAKER) (3/1/4/3)

PURPOSE

To update Councillors on the key developments with regard to Councillor Welfare and Empowerment Support.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council **TAKES NOTE** of the report.

A62 of 2018

KILLING OF COUNCILLORS AND LOCAL GOVERNMENT ADMINISTRATION (SPEAKER) (3/1/1)

PURPOSE

The Speaker thought that it is important to share the information in regard to the killings of Councillors and Local Government Administrators which is being debated by SALGA at National level.

DISCUSSION

The Speaker presented the item to Council.

During the discussion of this item, Councillors raised concerns with regard to their safety and requested the Municipality to find ways of protecting all of them as well as local government administrators.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council **TAKES NOTE** of the report.

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2. That the Municipal Manager **MUST ENSURE** that the Police and the Security Officers are present in any mass meeting to protect all Councillors who are attending.
3. That Security and control measures must **BE INTENSIFIED** in the entrance of the Municipal Main Building, including all other Municipal Buildings in all Units.

A63 of 2018

REPORT ABOUT MUNICIPAL CONCILLORS PENSION FUND (SPEAKER) (3/1/4/5)

PURPOSE

To brief the Council on the issue of the Municipal Councillors Pension Fund. The meeting took place on the 13 June 2018.

DISCUSSION

The Speaker presented the item to Council.

He indicated the MCPF conducted roadshows throughout the Country and the team that was appointed by Council met and interacted with them in Bloemfontein. He mentioned that there were discussions to create one fund that will accommodate all Public Office Bearers.

Concerning the MCPF issue, he mentioned that there is some sort of an understanding and agreement that those who want to transfer their monies to other funds can be permitted to do so but that process could take 6-12 months.

During the discussion of the item Cllr Tlake requested Council to take a definite resolution to withdraw from the Fund as it seemed that there were lots of problems in the Fund.

The Speaker explained that the Fund was still under management of Curators who were directed by the High Court to do investigations and give reports.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That continuous engagements to deal with the challenges **WOULD CONTINUE** until an agreement is reached.

A64 of 2018

LAND GRAB ACTIVITIES IN MATJHABENG (SPEAKER) (6/9/2)

PURPOSE

To inform the Council about land grab activities that are taking place in Matjhabeng.

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DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That the item **BE WITHDRAWN**.

A65 of 2018

REPORT BACK ON THE MATTER PERTAINING TO FORMER COUNCILLOR M.E. SENXEZI (SPEAKER) (3/1/4/2)

PURPOSE

To apprise Council in respect of whether any part of Cllr Senxezi's allowance could be legally recoverable from him for absconding.

DISCUSSION

The Speaker presented the item to Council.

During the discussion of the item, the Speaker indicated that he was informed that former Cllr Senxezi did not return the gadget which was allocated to him as a tool of trade for performing his duties as a Councillor. He also indicated that he was informed that he is no longer in the Free State Province but residing in North West Province but attempts were being made to recover the gadget.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That the money that was paid to former Cllr Senxezi during the period of his absconding, which amounts to **R5 311.84**, must **BE RECOVERED**.

A66 of 2018

MPAC RESOLUTION OF T16 1300 SANITATION AND NYAKALLONG WASTE WATER PROJECTS (MPAC CHAIRPERSON) (19/8/6)

PURPOSE

To inform Council of the Committee's resolution on T16 1300 sanitation and Nyakallong Waste Water Treatment Plant projects reported as Irregular expenditure during the 2016/17 financial year.

DISCUSSION

The MPAC Chairperson presented the item to Council.

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COUNCIL RESOLVED: (30 AUGUST 2018)

1. That all issues **BE CORRECTED** at the Contractor's costs to ensure that the project is fully functional and fulfills the service delivery intention of the Project.
2. That no further monies **ARE TO BE SPENT** by the Municipality on this Project.
3. That retention monies withheld for the Project should **NOT BE PAID** over to the Contractor; and
4. Should the project not be functional by 30 December 2018, a criminal case should **BE OPENED** and all punitive measures as per contractual terms be enforced.

5. That the Accounting Officer must ensure that the R6,9 million paid to the first Consultant whose contract was cancelled due to unsatisfactory drawings **IS RECOVERED**.

A67 of 2018

MPAC COMMITTEE REPORT ON THE IRREGULAR AND FRUITLESS AND WASTEFUL EXPENDITURE INCURRED FOR THE PERIOD ENDED 30 JUNE 2018 (MPAC CHAIRPERSON) (6/1/2/2)

PURPOSE

To submit to Council the MPAC report on Irregular and Fruitless and Wasteful Expenditure incurred for the financial periods ended 30 June 2018 as mandated by council.

DISCUSSION

The MPAC Chairperson presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council **TAKES NOTE** of the MPAC Committee report on irregular expenditure.
2. That Council **CERTIFIES** an amount of **R131 743 864,71 (R110 144 656,48 excl. vat)** detailed below as irrecoverable and be write-off.
3. That the appropriate disclosure note **BE MADE** to the financial statements for the year ending 30 June 2018.
4. That the Accounting Officer must **ESTABLISH** controls to detect and prevent these types of expenditures and on a quarterly basis submit a report for consideration to Council; and

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5. That the Accounting Officer must **IN WRITING COMMUNICATE** the Council resolutions to the office of the Auditor General, COGTA and Provincial Treasury in terms of section 32, subsection 4 of the Municipal Finance Management Act.
6. That Council **TAKES NOTE** of the MPAC Committee report on fruitless and wasteful expenditure.
7. That Council **CERTIFIES** an amount of **R167 497 846,03** detailed below as irrecoverable and be write-off.
8. That the appropriate disclosure note **BE MADE** to the financial statements for the year ending 30 June 2018.
9. That the Accounting Officer must **ESTABLISH** controls to detect and prevent these types of expenditures and on a quarterly basis submit a report for consideration to Council; and

10. That the Accounting Officer must **IN WRITING COMMUNICATE** the Council resolutions to the office of the Auditor General, COGTA and Provincial Treasury in terms of section 32, subsection 4 of the Municipal Finance Management Act.

//The Speaker allowed the Executive Mayor to present only those items which in terms of regulations are supposed to be tabled before the end of August, due to the illumination problem encountered//

A68 – A79 of 2018 - dealt with on the 6th September 2018.

A80 of 2018

APPROVAL OF THE BANKING FACILITIES AND OVERDRAFT OFFERED BY ABSA BANK LIMITED FOR THE 2018/19 FINANCIAL YEAR (EXECUTIVE MAYOR) (6/3/1/2)

PURPOSE

To request approval for the Banking Facilities and overdraft offered by ABSA Bank Limited for the 2018/19 financial year.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council **APPROVES** the Banking Facilities and overdraft facilities of **R20 000 000** for the 2018/19 financial year.
2. That a correction **BE MADE** on the 4th sentence of the background to replace the word “Mayor” with the word “Municipal Manager”.

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A81 – A82 of 2018 - dealt with on the 6th September 2018.

A83 of 2018

REQUEST FOR COUNCIL TO WRITE-OFF OBSOLETE MOVABLE ASSETS FOR THE 2017/2018 FINANCIAL YEAR END (EXECUTIVE MAYOR) (7/2/1/1)

PURPOSE

To submit a request to Council for write-off of movable assets.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council grants approval **TO WRITE OFF** the obsolete movable assets in terms of Section 14 (2) (a) of MFMA.
2. That all of those items must **BE SOLD** on public Auction.

A84 of 2018

FRAUD INVESTIGATIONS 2017/18 FINANCIAL PERIOD (EXECUTIVE MAYOR) (5/6/2)

PURPOSE

To bring to attention the fraudulent activities that have taken place in the municipality during the 2017/18 financial period.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council **TAKES NOTE** of the fraudulent activities reported to SAPS.
2. That legal action should **BE TAKEN** against all implicated Municipal employees who are found guilty.
3. That Council mandates the Municipal Manager to interact with the Department of Human Settlements Organized Crime team to request them **TO SPEED UP** the investigation on allegations of fraudulent activities pertaining to Rental Units, especially in Masimong and Merriespruit and a report be submitted at the next Council meeting.
4. That all necessary procedures to **BE FOLLOWED**.

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A85 of 2018

RELATED PARTIES (EXECUTIVE MAYOR) (3/1/1)

PURPOSE

To bring to the attention of Council the related parties transaction that occurred during the 2017/18 financial period.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council must **TAKE NOTE** of the 2017/18 related parties reported.

A86 of 2018

**DRAFT UNAUDITED ANNUAL PERFORMANCE REPORT 2017/2018: MATJHABENG
LOCAL MUNICIPALITY (EXECUTIVE MAYOR) (5/6/2/7)**

PURPOSE

The purpose of the item is to table the draft unaudited Annual Performance Report for the financial year 2017/2018 to Council for noting.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council **NOTES** the draft unaudited Annual Performance report for the financial year 2017/18.
2. That the draft unaudited annual performance report 2017/2018 **BE SUBMITTED** to Provincial and National Treasuries as well as Provincial COGTA after Council has noted the report.
3. That the draft unaudited annual performance report 2017/2018 **BE SUBMITTED** to office of the Auditor General by the 31st August 2018 for auditing purpose.

A87 of 2018

DRAFT UNAUDITED ANNUAL REPORT 2017/2018: MATJHABENG LOCAL MUNICIPALITY (EXECUTIVE MAYOR) (12/1/1)

PURPOSE

The purpose of the item is to table the draft unaudited annual report for the financial year 2017/2018 to Council for noting.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council **NOTES** the draft unaudited annual report for the Financial Year 2017/18.
2. That the draft unaudited annual performance report 2017/2018 **BE SUBMITTED** to Office of the Auditor General for audit purpose.
3. That the draft unaudited report **BE SUBMITTED** to the Provincial and National Departments of Cooperative Governance and Traditional Affairs as well as the Provincial and National Treasuries.

A88 of 2018 - dealt with on the 6th September 2018.

A89 of 2018

MELODING INDOOR SPORTS & RECREATIONAL FACILITY: REQUEST FOR BUDGET MAINTENANCE (EXECUTIVE MAYOR) (6/1/1-2018/19) (10/1/2)

PURPOSE

The purpose of this item is to present before Council the current status and progress report on the New Indoor Sport and Recreational Facility at Meloding (Virginia) Phase 1 in compliance with Municipal Systems Act 32 of 2000; Section 73 (1), and to request approval of the budget maintenance.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That the budget maintenance of an additional amount of **R 1 463 415.76** from MIG money **BE APPROVED** to increase the project value to **R 47 177 415, 76.**

A90 of 2018

REPORT ON THE STATUS OF THE CONTRACTS OF PRIVATE SECURITY WITHIN THE MUNICIPALITY (EXECUTIVE MAYOR) (1/1/32)

PURPOSE

To present to Council the status of the Private Security Contracts within the Municipality for consideration.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Contractors' Service Level Agreements which expired in 2012 **BE TERMINATED** by issuing the Contractors a 3 months' notice starting from the 1st July 2018 to 31 September 2018.
2. That the Municipality **SHOULD REDUCE** the areas (posts) that are guarded by private security, by identifying the posts where electronic security system can be installed, in order to minimize the huge security bill.
3. That a Cost analysis of having private security versus municipal security, installing surveillance/security cameras and the utilization of rapid response team **BE DONE** and a written report be submitted to Council.
4. That electronic security/surveillance cameras **BE INSTALLED** at focal points.
5. That the services of a rapid response security team **BE REQUESTED**.
6. That the process of tendering **SHOULD COMMENCE** from the 1st September 2018 for those areas (posts) that need physical security.
7. That the Municipality **MUST CONDUCT** skills audit and vetting of all the security personnel within the municipal employment as of the 1st September 2018.
8. That recruitment and appointment of Security Officers **BE FINALIZED** by the 30th of September 2018.
9. That the Municipal Manager should find out whether the Municipality **COULD CLAIM** for damages against the companies where vandalism happened in their watch.
10. That the Executive Mayor **WOULD VERIFY** whether any agreement was reached between the Municipality and those churches and would report back to Council.

A91 of 2018

PHASING OUT OF PRIVATE SECURITY COMPANIES (EXECUTIVE MAYOR) (1/1/32)

PURPOSE

The purpose of the item is to present a Plan for the phasing out of Private Security companies. The plan identifies specific steps that the Municipality will undertake to phase out existing services but still protecting its assets in the process, how it will respond to the various types of threat identified in risk assessment, and how it will create security awareness on acceptable use and protection of assets.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That the item **BE REFERRED BACK** and a cost analysis of having private security versus municipal security, installing surveillance/security cameras and the utilization of rapid response team be submitted to Council to enable it to take an informed decision.

A92 – A102 of 2018 - dealt with on the 6th September 2018.

A103 of 2018

RESIGNATION OF THE EXECUTIVE DIRECTOR: INFRASTRUCTURE AND DECLARATION OF A VACANCY (EXECUTIVE MAYOR) (5/8/2)

PURPOSE

The purpose of this item is to submit to Council the resignation of Me Betty Maswanganyi from the position of an Executive Director: Infrastructure and declaration of a vacancy, for consideration.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council **ACCEPTS** the resignation of the Executive Director: Infrastructure effective from the 1st September 2018.
2. That Council **DECLARES** the vacancy of the Executive Director: Infrastructure in line with the regulations on appointment and Conditions of Service of Senior Managers of 2014.

3. That Council **MANDATES** the Municipal Manager **TO ADVERTISE** the vacant post in line with the afore-mentioned regulations.
4. That a request **BE MADE** to COGTA to support the Municipality by deploying a qualified Engineer as per MISA arrangement to assist, until the Municipal Manager finalizes the appointment of the Executive Director: Infrastructure.

A104 of 2018

APPOINTMENT OF THE ACTING EXECUTIVE DIRECTOR: LED, PLANNING & HUMAN SETTLEMENTS (EXECUTIVE MAYOR) ()

PURPOSE

The purpose of the item is to request to Council to appoint the acting of Executive Director: Local Economic Development, Planning and Human Settlements.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council **APPOINTS** Mr B. Golele as the acting Executive Director: LED, Planning and Human Settlements.
2. That the acting period should **NOT EXCEED** the period of three months.
3. That a report of the Committee who conducted the previous interviews for the said position should **BE SUBMITTED** in the next Council meeting.
4. That the position of the Executive Director **BE RE-ADVERTISED**.
5. That appointments for both positions of Executive Directors: Infrastructure and LED **SHOULD BE MADE**.

A105 of 2018

SECOND REQUEST FOR COUNCIL TO WRITE-OFF OBSOLETE MOVABLE ASSETS FOR THE 2017/2018 FINANCIAL YEAR END (EXECUTIVE MAYOR) (7/2/1/1)

PURPOSE

To submit a request to Council for write-off of movable assets.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That Council grants approval **TO WRITE OFF** the obsolete movable assets in terms of Section 14(2)(a) of MFMA.
2. That all of those items must **BE SOLD** on public Auction.

A106 of 2018 - dealt with on the 6th September 2018.

A107 of 2018

ERROR THAT OCCURRED TO SALARIES OF COUNCILLORS FOR THE MONTH OF AUGUST 2018 (EXECUTIVE MAYOR) (6/6/2)

PURPOSE

To report on the overpayment of Councillors for the month of August 2018.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (30 AUGUST 2018)

1. That the Municipal Manager must ensure that the money **IS RECOVERED** from those Councillors who were overpaid.

A108 of 2018

ANTI-CORRUPTION TASK TEAM (SPEAKER) (20/2/3)

PURPOSE

To inform the Council about the agreement of the Multi-Party Committee to form the Anti-Corruption Task Team (ACTT).

DISCUSSION

The Speaker presented the item to Council.

The Chief Whip, Cllr MJ Sephiri indicated that he would have loved to have a Multi-Party Committee that deals with corruption in the Municipality, but having looked at some legislative clauses that govern the local government, the structure such as the Multi-Party Committee has no authority over Council.

He mentioned that Section 79 of the Municipal Structures Act, Act 117 of 1998 makes provision for Council to establish Section 79 Committees.

He also indicated that in terms of Rule 108 of the Standard Rules and Orders, a report from the Municipal Manager should be presented to Council before the establishment of such Committees and Rule 113 stipulates authority given to such Committees pertaining to decision-making. He mentioned that the Anti-corruption task team cannot be afforded legal standing as it was not established in terms of the above-mentioned legislation.

He also indicated that the Anti-corruption task team has no legal authority to submit items to Council through the Office of the Speaker, as reports on any financial misconduct including fraud and corruption were supposed to be submitted by the Accounting Officer, in terms of Section 61, 62 & 63 of the MFMA, Act No. 56 of 2003.

He therefore mentioned that it was not advisable to establish the Anti-corruption task team consisting of Councillors and instead fraud and corruption matters could be referred to established Committees, such as, MPAC, the Audit Committee, the Disciplinary Board on alleged financial misconduct and even to the Police and Hawks.

During the discussion of this item, several Councillors gave the following inputs:

- The intent of Section 79 is to establish Committees that will advise Council and the Anti-corruption task team was aimed at advising Council on how to deal with corruption in the Municipality;
- All parties have agreed that a common problem that has led the Municipality to its downfall was corruption and Committees identified above have not yielded any positive results to uproot corruption- Councillors have a responsibility to advance the interest and plight of communities who trusted them;
- Terms of reference should be dealt with first, to enable the Committee to have authority to deal with the rot of corruption and act seriously on actions of misconduct;
- Council in principle should resolve to establish a Section 79 anti-corruption Committee subject to following the rules and mandate the Municipal Manager to submit a section 108 report in cooperation with the Multi-Party leadership, setting up the terms of reference in compliance with the rules as required, at the next Council meeting for approval;
- Instead of duplication, Committees that are already established should be strengthened;
- If Councillors are of the opinion that the established Committees are dysfunctional, members should be exchanged and replaced by effective ones;
- Although the issue of corruption remains a priority, the Municipality has appointed an Audit Committee to provide constructive and prompt reports and also to identify all issues that could pose material risks including corruption.

1. That the matter **BE REFERRED BACK** to allow the Municipal Manager to investigate in terms of Rule 108 whether there are any limitation for MPAC, Audit Committee and Disciplinary Board to deal with corruption and should there be any limitations, he must develop terms of reference and submit the report at the next Council meeting.