

# **MINUTES**

of the

**5<sup>TH</sup> SPECIAL COUNCIL MEETING  
FOR THE YEAR 2017**

of

**MATJHABENG MUNICIPALITY**

held on

**WEDNESDAY, 01 NOVEMBER 2017**

at

**15:00**

at the

**COUNCIL CHAMBERS, CIVIC CENTRE,  
WELKOM**

# I

## COUNCILLORS ATTENDANCE

### 5<sup>TH</sup> SPECIAL COUNCIL MEETING MINUTES: 01 NOVEMBER 2017

PROPORTIONAL			
1.	Stofile B ( <b>Speaker</b> ) ( <b>Apology</b> )	19.	Moipatle KSV
2.	Sephiri MJ ( <b>Chief Whip</b> )	20.	Mthebere NA ( <b>Apology</b> )
3.	Speelman NW ( <b>Executive Mayor</b> ) ( <b>Apology</b> )	21.	Nqeobo ME
4.	Badenhorst MJ	22.	Ntsebeng MH ( <b>Apology</b> )
5.	Botha PF	23.	Phofeli NM
6.	Direko DR	24.	Presente LN
7.	Jacobs EJ	25.	Radebe MC
8.	Kabi M ( <b>Apology</b> )	26.	Radebe ML ( <b>Apology</b> )
9.	Khetsi LE ( <b>Apology</b> )	27.	Rakaki MM
10.	Lethake TW	28.	Ramabodu BM
11.	Lushaba TB	29.	Senxezi ME ( <b>Apology</b> )
12.	Macingwane MT ( <b>Apology</b> )	30.	Sithole AM ( <b>Apology</b> )
13.	Mafaisa MG	31.	Styger A
14.	Manenye AJ	32.	Taljaard SDM ( <b>Apology</b> )
15.	Manese SD	33.	Thelingoane NE ( <b>Absent</b> )
16.	Marais JS	34.	Tshopo ME ( <b>Apology</b> )
17.	Masina XN	35.	Tsoaeli MS ( <b>Apology</b> )
18.	Mawela VE	36.	Tsupa MR ( <b>Absent</b> )
WARD			
37.	Badenhorst HS ( <b>Apology</b> )	55.	Morris VR
38.	Chaka MS	56.	Moshoeu ZS ( <b>Apology</b> )
39.	Daly A	57.	Mosia TJ
40.	Khalipha TD	58.	Mphikeleli MA
41.	Khothule MJ	59.	Nkonka BB
42.	Kopela MP	60.	Nthako TD ( <b>Absent</b> )
43.	Liphoko SJ ( <b>Absent</b> )	61.	Ntuli BN
44.	Mafa DM	62.	Pholo SJ
45.	Mahlumba BH	63.	Poo IP
46.	Malherbe C	64.	Ramalefane SJ
47.	Manzana NR	65.	Ramatisa PT
48.	Masienyane MD	66.	Sebotsa MM
49.	Meli TS	67.	Thelingoane TJ
50.	Mokhomo HA	68.	Tlake KR
51.	Molefi M	69.	Tsatsa SJ ( <b>Requested to leave early</b> )
52.	Molelekoa PMI	70.	Tshabangu SE
53.	Moloja NJ	71.	Van Rooyen MS
54.	Monjovo NE	72.	Van Schalkwyk HCT ( <b>Requested to leave early</b> )



## **EXECUTIVE MANAGEMENT**

Mr ET Tsoaeli	:	Municipal Manager
Mr T. Makofane	:	Executive Director: Strategic Support Services
Mr FF Wetes	:	Executive Director: Corporate Service
Me B. Maswanganyi	:	Executive Director: Infrastructure
Mr B. Golele	:	Acting Executive Director: LED, P & HS
Mr MJ Molawa	:	Acting Executive Director: Community Services
Mr S. Sejake	:	Acting Chief Financial Officer

## **COUNCIL ADMINISTRATION SECRETARIAT**

Mr MT Atolo	:	Senior Manager: Council Admin
Me PP Seleka	:	Admin Officer (Corporate Services)

### III

(a)	<p><b>Opening</b></p> <p>The Municipal Manager welcomed everybody present at the 5<sup>th</sup> Special Council meeting of the year 2017 and declared the meeting open.</p> <p>He announced that as the Speaker, Cllr B. Stofile would not be attending the meeting, Council is expected to apply Rule 23 (2) of the Standard Rules and Orders to appoint an acting Speaker, to preside.</p> <p>The Chief Whip, Cllr SJ Sephiri nominated Cllr MD Masienyane to act as Speaker and the nomination was seconded. Cllr MD Masienyane then chaired the meeting.</p>
(b)	<p><b>Applications for leave of absence</b></p> <p>See Councillors' attendance list on page <b>I</b> of these minutes.</p>
(c)	<p><b>Official announcements of the Speaker</b></p> <p>The Speaker, Cllr B. Stofile had issued a directive prior to the meeting that two items from the Agenda of the Special meeting that was scheduled for the 11<sup>th</sup> October 2017 which was postponed, would be discussed and the other three would be deferred to the next Ordinary meeting.</p>
(d)	<p><b>Motions of sympathy and congratulations</b></p> <p><u><b>Sympathy</b></u></p> <ol style="list-style-type: none"> <li>1. Cllr KR Tlake conveyed a message of condolences to the three families whose members were shot in Hani Park, the families of Thuse, Neo and Mosuwa.</li> <li>2. Cllr SJ Tsatsa conveyed a message of condolences to the family of David Maboea, a CDW member at Thabong Community Centre, who was stabbed to death the previous week.</li> <li>3. Cllr BB Nkonka conveyed a message of condolences to the family of Simphiwe Kubheka who was shot at Tshepong mine.</li> </ol> <p>Cllr SD Masienyane requested all members to observe a moment of silence in respect of the above-mentioned people who were brutally killed.</p>
(e)	<p><b>Disclosure of interest</b></p> <p>The acting Speaker reminded Councillors to update their declaration forms at the office of the Municipal Manager each year, however if a Councillor has a personal/financial interest on any matter for consideration by Council, such Councillor has to declare his/her interest in the meeting.</p>
(f)	<p><b>Matters for discussion</b></p> <p><b>SA12 - SA17 of 2017 &amp; C8 – C11 of 2017</b></p>
(g)	<p><b>Closing</b></p> <p>The acting Speaker thanked everyone who attended and closed the meeting at <b>19h05</b>.</p>

.....  
**CLLR B. STOFIE (SPEAKER)**

.....  
**DATE**

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# **1**

**//The Speaker had already issued a directive that SA12 of 2017, SA13 of 2017 and SA16 of 2017 would be deferred to the next Ordinary Council meeting//**

**SA12 of 2017**

## **REQUEST TO APPOINT AN ADDITIONAL MEMBER TO THE MATJHABENG PLANNING TRIBUNAL (SPEAKER) (1/1/40)**

### **PURPOSE**

The purpose of the item is to request Council to appoint an additional member to the Matjhabeng Municipal Planning Tribunal.

**DEFERRED TO THE NEXT COUNCIL MEETING.**

**SA13 of 2017**

## **PROGRESS REPORT ON ESTABLISHMENT OF MATJHABENG ECONOMIC ADVISORY COUNCIL (EXECUTIVE MAYOR) (3/3/19)**

### **PURPOSE**

To present a progress report on establishment of Matjhabeng Economic Advisory Council (MEAC).

**DEFERRED TO THE NEXT COUNCIL MEETING.**

**SA14 of 2017**

## **PROGRESS REPORT ON THE SUNELEX SOLAR PLANT PROJECT- SEPTEMBER 2017 (EXECUTIVE MAYOR) (19/3/2/1)**

### **PURPOSE**

To present to Council the current progress on the Sunelex Solar Plant Project for the month of **September 2017.**

### **DISCUSSION**

The acting Executive Mayor, Cllr TD Khalipha requested Cllr DR Direko to present the item to Council.

During the discussion of this item Cllr A. Styger raised numerous concerns with regard to the contravention of previous resolutions taken in Council, contravention of Section 33 of the Municipal Finance Management Act pertaining to signing of agreements or contracts which exceed a period of three years, as well as the agreement that was already signed before authorization by Council.

**COUNCIL RESOLVED: (01 NOVEMBER 2017)**

1. That the item **BE REFERRED BACK**.
2. That Council **APPOINTS** a Multi-Party Ad-hoc Committee comprising of six members to look at all matters raised and ensure that the matter is dealt with according to the law.
3. That the Ad-hoc Committee **MUST GIVE** feedback at the next Ordinary Council meeting.
4. That the Committee **MUST TAKE** cognizance of all issues raised by Cllr A. Styger, as a guideline.
5. That the Committee **MUST ALSO DISCUSS** the contract which was already signed and implications thereof.

**SA15 of 2017**

**REQUEST FOR COUNTER FUNDING FOR PROVISION OF 2KM PAVED ROADS IN MELODING, VIRGINIA (EXECUTIVE MAYOR)**

**PURPOSE**

The purpose of this item is table to Council the request for counter funding for the Provision of 2km Paved Roads in Meloding, Virginia project that is being implemented by the Municipality and funded through the MIG grant.

**DISCUSSION**

The acting Executive Mayor, Cllr TD Khalipha requested Cllr MC Radebe to present the item to Council.

**COUNCIL RESOLVED: (01 NOVEMBER 2017)**

1. That the counter funding of **R1 034 858.48** (all inclusive) **BE APPROVED** for the successful completion of the project.
2. That the Municipal Manager **MUST INVESTIGATE** the officials who did not follow due processes during appointment of the first Consultant, whose contract was terminated before the completion of the project and take action against them.
3. That provision for this counter funding **BE MADE** in the adjustment budget.

### 3

**//The acting Executive Mayor, Cllr TD Khalipha requested Council to allow that Item SA16 of 2017 be discussed as well, and Council agreed//**

**SA16 of 2017**

#### **PROPOSED SETTLEMENT BY MASINGITA PROPERTY DEVELOPERS (EXECUTIVE MAYOR) (11/3)**

##### **PURPOSE**

The purpose of this item is reporting to Council the implementation of Supplementary Valuation on Thabong Mall and also the proposed settlement by the Developer.

##### **DISCUSSION**

The acting Executive Mayor, Cllr TD Khalipha requested Cllr TB Lushaba to present the item to Council.

During the discussion of the item, the acting Executive Mayor, Cllr TD Khalipha informed members that the task team which was appointed by Council to meet with the Developer as per the resolution taken on the 31<sup>st</sup> May 2017 Council meeting on Item A81/2017, met with the Developer.

He informed members that two proposals as depicted in Item SA16 of 2017 were tabled, but during the last session in which the Municipality was represented by the Municipal Manager, the Board of Masingita Property Developers did not accede to Proposal one. The Board indicated that their financial situation would not enable them to consent to so many months and requested the Municipality to look at Proposal two.

##### **Proposal 1**

The developer won't be paying property rates for the duration of **37 months** in order to offset monthly billings against the amount owed to the Developer.

##### **Proposal 2**

The first payment worth **R3 000 000** will be made immediately after receiving allocation on Equitable Share and the remaining balance of **R9 855 783.60** will be payable within duration of **12 months**.

Various Councillors raised their concerns, stating that proposal two would have dire financial constraints to the Municipality which is already struggling to provide essential services to the community and whose collection rate is not satisfactory.



## 4

After lengthy discussion, members could not reach consensus on which proposal to approve. As a result, the acting Speaker requested Councillors to vote. Voting was done by means of raising hands.

### **The results were as follows:**

Councillors who voted for Proposal 1	=	17
Councillors who voted for Proposal 2	=	11
Councillors who abstained	=	<u>25</u>
<b>Total</b>	=	<b>53</b>

### **COUNCIL RESOLVED: (01 NOVEMBER 2017)**

1. That the developer **WILL NOT BE PAYING** property rates for the duration of **37 months** in order to offset monthly billings of property rates against the amount owed to the Developer.

### **SA17 of 2017**

### **STATUS REPORT AND FINANCIAL IMPLICATION TO REINSTATE ELECTRICAL AND ENGINEERING SERVICES THAT ARE REQUIRED TO SUPPORT THE PROPOSED INTEGRATED HOUSING DEVELOPMENT PROJECT OF 105 HOUSES IN EXTENSION 6 VENTERERSBURG UNIT (EXECUTIVE MAYOR) (8/3/2/48/2)6**

### **PURPOSE**

To submit to Council a Status Report and the Financial Implications to reinstate Electrical and Engineering Services that are required to support the Housing Development 105 Integrated Housing Project in Extension 6 Ventersburg Unit.

### **DISCUSSION**

The acting Executive Mayor, Cllr TD Khalipha requested Cllr SD Manese to present the item to Council.

### **COUNCIL RESOLVED: (01 NOVEMBER 2017)**

1. That Council **CONDONES** the non-compliance of Council resolution SA4/2014 which stipulated that the Developer must develop bulk services at own cost.
2. That a Capital Budget **BE MADE** available during the **Council's 2017/18 Budget Revision Process** to an estimated amount of **R10.720 million, excluding Vat** from own funding to upgrade the required infrastructure so as to support the proposed Housing Development Agency Integration Project.

## 5

3. That the **Department of Energy (DOE) BE ENGAGED** to consider the possible funding of the proposed Electrification of the project under the **Integrated National Electrification Program (INEP)**.
4. That **Eskom BE ENGAGED** for the required increasing of the **Notified Maximum Demand (NMD)** at the Ventersburg Main Intake Point.
5. That the letter of approval **BE SUBMITTED** with the adjustment budget.
6. That building of houses **NOT BE COMMENCED** with before the electrical, water, sewerage, roads and storm-water infrastructure is completely put in place.

**C8 of 2017**

### **REPORT ON THE APPOINTMENT OF THE CHIEF FINANCIAL OFFICER (EXECUTIVE MAYOR) (5/5/2)**

#### **PURPOSE**

The purpose of the item is to submit to Council a report of the selection panel for the appointment of the Chief Financial Officer.

#### **DISCUSSION**

The acting Executive Mayor, Cllr TD Khalipha requested Cllr VE Mawela to present the Item to Council.

#### **COUNCIL RESOLVED: (01 NOVEMBER 2017)**

1. That Council **APPOINTS** Mr CT Panyani as the Chief Financial Officer.
2. That the second best candidate **BE APPOINTED** should the recommended candidate fail to take the post for any reason.
3. That the Municipal Manager **BE DELEGATED** the function to negotiate the remuneration package with the appointed Chief Financial Officer as per the upper limit and report to Council for finalization.
4. That the Municipal Manager **FINALIZES** the contract of employment, performance agreement and financial disclosure form with the appointed Chief Financial Officer.

C9 of 2017

**REPORT ON APPOINTMENT OF THE EXECUTIVE DIRECTOR: COMMUNITY SERVICES (EXECUTIVE MAYOR) (5/3/2/1)**

**PURPOSE**

The purpose of the item is to submit to Council a report of the selection panel for the appointment of the Executive Director: Community Services.

**DISCUSSION**

The acting Executive Mayor, Cllr TD Khalipha requested Cllr VE Mawela to present the item to Council.

During the discussion of the item, Councillors could not reach consensus on which candidate to appoint, as a result of the competency assessment report of candidate one.

Two proposals were tabled and seconded, one was to appoint candidate one and the other to appoint candidate two.

The acting Speaker then requested members to vote. Voting was done by means of raising hands.

**The results were as follows:**

Councillors who voted for appointment of candidate one (Ms ZK Tindleni)	=	35
Councillors who voted for the appointment of candidate two (Ms MC Sepheka)	=	13
Councillors who abstained	=	<u>5</u>
<b>Total</b>	=	<b>53</b>

**COUNCIL RESOLVED: (01 NOVEMBER 2017)**

1. That Council **APPOINTS** Ms ZK Tindleni as the Executive Director: Community Services.
2. That the second best candidate **BE APPOINTED** should the recommended candidate fail to take the post for any reason.
3. That the Municipal Manager **BE DELEGATED** the function to negotiate the remuneration package with the appointed Executive Director: Community Services as per the upper limit and report to Council for finalization.
4. That the Municipal Manager **FINALIZES** the contract of employment, performance agreement and financial disclosure form with the appointed Executive Director: Community Services.

5. That the appointed candidate must **BE GIVEN** 12 month probation in which the Municipal Manager would monitor her competency and if she is not competent within that period, the Municipal Manager should inform Council.

#### **C10 of 2017**

#### **REPORT ON APPOINTMENT OF THE EXECUTIVE DIRECTOR: LED, PLANNING & HUMAN SETTLEMENTS (EXECUTIVE MAYOR) (5/3/2/1)**

#### **PURPOSE**

The purpose of the item is to submit to Council a report of the selection panel for the appointment of the Executive Director: LED, Planning and Human Settlements.

#### **DISCUSSION**

The acting Executive Mayor, Cllr TD Khalipha presented the Item to Council.

#### **COUNCIL RESOLVED: (01 NOVEMBER 2017)**

1. That the item **BE DEFERRED** to the next Ordinary Council meeting.

#### **C11 of 2017**

#### **EXTENSION OF EMPLOYMENT CONTRACTS BY 3 MONTHS UNTIL 31<sup>st</sup> OCTOBER 2017 (EXECUTIVE MAYOR) (5/3/2/1)**

#### **PURPOSE**

The purpose of this item is to submit to Council a communiqué from the Member of the Executive Council (MEC) of the Free State Provincial Government responsible for Co-Operative Governance and Traditional Affairs (COGTA) advising on the Extension of employment contracts of all senior managers by 3 months until 31st October 2017.

#### **DISCUSSION**

The acting Executive Mayor, Cllr TD Khalipha presented the item to Council.

#### **COUNCIL RESOLVED: (01 NOVEMBER 2017)**

1. That Council **WOULD WRITE** a letter to the MEC for COGTA to inform her that Matjhabeng Local Municipality is not affected by the communiqué.