

MATJHABENG MUNICIPALITY

AGENDA

of the

**3RD ORDINARY COUNCIL MEETING
FOR THE YEAR 2018**

convened for

WEDNESDAY, 30 MAY 2018

at

15h00

**MAREMATLOU HIGH SCHOOL,
MELODING, VIRGINIA**

MATJHABENG MUNICIPALITY



A G E N D A

MEETING : 3RD ORDINARY COUNCIL

**VENUE : MAREMATLOU HIGH SCHOOL, MELODING,
VIRGINIA**

DATE : WEDNESDAY, 30 MAY 2018

TIME : 15h00

Order of business at an Ordinary Council meeting in terms of Rule 78 of the Standard Rules and Orders.

Yours faithfully

.....
CLLR B. STOFILE
SPEAKER

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II

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(a)	Opening
(b)	Applications for leave of absence
(c)	Official Announcements of the Speaker
(d)	Reports of the Speaker in terms of rules 15(1) and 99(4)
(e)	Tabling of documents prescribed by statute or these rules and orders
(f)	Applications and appeals from Councillors in terms of rules 14(1), 67 and 72
(g)	Reports received from the Speaker A32 of 2018 – A35 of 2018 & C2 of 2018
(h)	Motions of sympathy and congratulations by the Speaker
(i)	Motions of sympathy and congratulations by other Councillors
(j)	Deputations and interviews
(k)	Disclosure of interest
(l)	Minutes of the previous meeting: 1. Minutes of the 2 nd Ordinary Council meeting held on 28 March 2018.
(m)	Matters arising from the minutes
(n)	Questions of which notice had been given A36 of 2018 – A41 of 2018
(o)	Reports of the Executive Committee/ Executive Mayor/ Committee Reports A42 of 2018 –A53 of 2018

III

(p)	Reports of decisions taken under delegated powers
(q)	Motions A54 of 2018
(r)	Closing
<p>Matjhabeng Municipality, Civic Centre, Stateway PO Box 708, WELKOM, 9460 Tel: (057) 391 3911 – Fax: (057) 353 2482 E-mail: munic@matjhabeng.co.za Website:www.matjhabeng.fs.gov.za</p>	

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A32 of 2018

ELECTION OF A COUNCILLOR REPRESENTATIVE TO THE GENERAL COMMITTEE OF SALA PENSION FUND (SPEAKER) (4/1/2/2)

PURPOSE

To submit to Council, a proposed for election of a Councillor Representative to Sala Pension Fund.

BACKGROUND

Matjhabeng have some of its employees who belong to Sala Pension Fund. On the 29th March 2018, the Office of the Speaker received a communique that was informing the Office about the meeting of the 3rd April 2018 for employees' representatives in Sala Pension Fund.

The Council has never elected a representative to that Pension Fund, the Speaker has to request Councillor Mphikeleli to attend that meeting as to represent the Municipality up until the Council elects its representative to that Pension Fund.

*** **Attached on page 1 of the Annexures** is the correspondence from SALA Pension Fund.

FINANCIAL IMPLICATIONS

None

RECOMMENDATIONS

1. That Matjhabeng Council elects the employer representative to represent the Municipality at Sala Pension Fund.
2. That the Municipal Manager communicates with Sala Pension Fund regarding the name of the employer representative to that Fund.

A33 of 2018

ESTABLISHMENT OF MULTI-PARTY CAUCUSES IN MUNICIPALITIES (SPEAKER)
(15/2/1/24)

PURPOSE

To elect a Woman Councillor as a Chairperson from Matjhabeng Women Councillors to SALGA Free State Women Commission Portfolio.

BACKGROUND

SALGA has a Women Commission Portfolio that is meant to deal with issues of Women Councillors and gender issues in municipalities across the Country and it is then expected that Matjhabeng Women Councillors elect their Chairperson who will represent women equity and equality issues.

The term of Office of the Women Commission Chairperson will be aligned to the serving as a Councillor.

*** **Attached on page 2 to page 3 of the Annexures** is the correspondence from SALGA.

FINANCIAL IMPLICATIONS

Administrative issues may need Financial Support.

RECOMMENDATIONS

1. That the Speaker must coordinate the process of electing the Women Chairperson for the Commission of Women Councillors.
2. That the Speaker should preside over the election.
3. The Speaker must report back to Council about the name of the elected Woman Chairperson for the Women Commission Portfolio.

A34 of 2018

INAUGURATION OF THE TWO NEW COUNCILLORS OF MATJHABENG (SPEAKER)
(14/3/1/1)

PURPOSE

To inform the Council about the sworn in of Councillor KV Van Rooyen for ANC and Councillor BL Jama of the EFF.

BACKGROUND

There has been a vacancy in the PR Representation of ANC which came as a result of passing on of an ANC PR Councillor. There was also a vacancy in the PR Representation of EFF which occurred as a result of the resignation of an EFF Councillor from the Municipality.

The processes of IEC were followed and the IEC communicated back to the Municipality to confirm these two Councillors as duly elected as Councillors.

The two Councillors above were sworn in on the 3rd of May 2018 in the Chief Magistrate Office in Welkom in front of the Speaker, the Municipal Manager and the Director of Corporate Services.

*** **Attached on page 4 to page 5 of the Annexures** is the confirmation from IEC.

RECOMMENDATION

1. That Council takes note of the inauguration of Cllr KV Van Rooyen and Cllr BL Jama.

A35 of 2018

RESIGNATION OF COUNCILLOR M.E. SENXEZI AS AN EFF COUNCILLOR (SPEAKER) (3/1/4/2)

PURPOSE

The purpose of this item is to submit to Council the resignation of Cllr M.E. Senxezi as a Councillor representing Economic Freedom Fighters in Matjhabeng Council, for noting.

BACKGROUND

Councillor M.E. Senxezi has not been attending Council meetings consistently since January 2018 including the workshop of the 13th April 2018. Efforts to communicate with him failed as he was not answering his calls. Efforts to check him from the address he gave to the Municipality did not yield any positive results. The only logic conclusion to this case is that Councillor M.E. Senxezi absconded and abandoned any Municipal or Council duties. For all this period he had not been doing any work for the Municipality, he was being remunerated accordingly.

Eventually Councillor M.E. Senxezi submitted his resignation letter dated 16 May 2018 with effect from 28 May 2018 to the Office of the Municipal Manager.

- *** The resignation letter is attached on page 6 of the Annexures.

POLICY POSITION

None

LEGAL IMPLICATIONS

Local Government: Municipal Structures Act (Act 117 of 1998)

FINANCIAL IMPLICATIONS

Remuneration paid to him for the period January 2018 up to the period of his resignation.

RECOMMENDATIONS

1. That the Municipality should quantify the amount that was paid to Cllr M.E. Senxezi during the period he was not doing any work for the Municipality.
2. That Cllr M.E. Senxezi should repay the money that was paid to him for the period he absconded, up until he resigned.
3. That the Municipal Manager should declare a vacancy to the IEC.

A36 of 2018

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

PURPOSE

To submit the questions raised by Cllr A. Styger and the response thereon by the Municipal Manager.

BACKGROUND

- *** A letter dated 03 November 2017 received from Cllr A. Styger, containing certain questions is **attached on page 7 to page 12 of the Annexures**.

These questions were tabled at the Council meeting held on 31 January 2018 and served as Item A15 of 2018. Council resolved that the item be deferred to the next meeting as Cllr A. Styger was not present at that meeting.

- *** The Municipal Manager's response **is attached on page 13 to page 14 of the Annexures**.

SUBMITTED FOR NOTIFICATION

A37 of 2018

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

PURPOSE

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

BACKGROUND

- *** A letter dated 17 March 2018 received from Cllr M.T. Macingwane, containing certain questions is **attached on page 15 to page 16 of the Annexures**.
- *** The Municipal Manager's response **is attached on page 17 to page 18 of the Annexures**.

SUBMITTED FOR NOTIFICATION

A38 of 2018

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

PURPOSE

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

BACKGROUND

- *** A letter dated 13 April 2018 received from Cllr T. W. Letlhake, containing certain questions is **attached on page 19 of the Annexures**.
- *** The Municipal Manager's response **is attached on page 20 to page 21 of the Annexures**.

SUBMITTED FOR NOTIFICATION

A39 of 2018

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.

BACKGROUND

- *** A letter dated 09 May 2018 received from Cllr P.F. Botha, containing certain questions is **attached on page 22 to page 23 of the Annexures**.
- *** The Municipal Manager's response **is attached on page 24 to page 26 of the Annexures**.

SUBMITTED FOR NOTIFICATION

A40 of 2018

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.

BACKGROUND

- *** A letter dated 07 May 2018 received from Cllr M.J. Badenhorst, containing certain questions is **attached on page 27 to page 28 of the Annexures**.
- *** The Municipal Manager's response is **attached on page 29 to page 30 of the Annexures**.

SUBMITTED FOR NOTIFICATION

A41 of 2018

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.

BACKGROUND

- *** A letter dated 07 May 2018 received from Cllr M.J. Badenhorst, containing certain questions is **attached on page 31 to page 32 of the Annexures**.
- *** The Municipal Manager's response is **attached on page 33 to page 34 of the Annexures**.

SUBMITTED FOR NOTIFICATION

A42 of 2018

DRAFT REVIEWED INTEGRATED DEVELOPMENT PLAN FOR THE FINANCIAL YEAR 2018/2019 (EXECUTIVE MAYOR) (9/3/1)

PURPOSE

To present progress towards the Draft Reviewed Integrated Development Plan (IDP) for the Financial Year 2018/2019 in terms of Chapter 5 of the Municipal Systems Act, to Council for consideration.

BACKGROUND

In terms of Municipal Systems Act No. 32 of 2000, local municipalities are required to submit their revised Integrated Development Plans every year, no later than the 31st of March, to Council for consideration.

On the 28th March 2018, a council meeting was held to discuss the draft IDP and budget for 2018/2019. Both were discussed and the following resolutions were taken:

1. That Council **NOTES** progress on the first Draft revised IDP for the Financial Year 2018/2019.
2. That the first draft revised IDP **BE SUBJECTED** to public consultation as per adopted IDP process plan.
3. That the draft IDP **BE WARD-BASED** and **REALISTIC**.
4. That the draft IDP **MUST INCLUDE** inputs from previous and current consultations and both be incorporated to be re-tabled to Council for final approval.
5. That all Municipal Master Plans must **BE INCLUDED** in the IDP/ Budget for the 2018/19 financial year, before it is adopted.

The public participation process followed an advertised schedule which started on the 3rd May 2018 and was completed on the 22nd May 2018. For the 2018/2019 review process, the schedule had to be extended as a result that some wards could not secure venues and hence the extensions. This problem caused postponements of about two to four ward sittings which contributed to the delays in the consolidation of ward participation reports.

The consolidated report is required to provide a summary of priority needs from the wards. Serious service delivery challenges pitted communities against ward Councillors in some wards justifying equitable distribution of resources. The equitable distribution of resources is necessary as township wards away from Welkom allege that there is concentration of development there than anywhere away from the centre. The IDP Matrix must be developed in such a way that it becomes a live document which can direct development in all wards.

In order for the IDP to be credible, we need to have all relevant master plans that provide direction on what must happen and related time frames. The IDP is therefore influenced by a number of policies/master plans which must be developed/revised for approval and implemented as per the inexhaustible tabular list below.

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NUMBER	PLAN NAME	AVAILABILITY	TECHNICAL ASSISTANCE REQUIRED	APPROVE	DEVELOP	DRAFT REVIEW	COMPLETION DATE	GENERAL COMMENTS
1	Potable Water Master Plan	No	Yes		Yes			The Municipality has a dilapidated water network. It is important to know how much should be set aside for repairs and new reticulations.
2	Waste Water Master Plan (Sewer)	No	Yes		Yes			The Municipality has a dilapidated waste water network. It is important to know how much should be set aside for repairs and new reticulations.
3	Energy Master Plan	No	Yes		Yes		June 2019	There is a need for the plan as it provides budget information for new and future developmental needs.
4	Road and Storm-water Master Plan	No	Yes		Yes		June 2019	Key to development is the existence on well planned road and ancillary network system.
5	Open Space Master Plan	No	Yes		Yes		June 2019	Use for open spaces should be planned quite in advance.
6	Air Quality Management Plan	No	Yes		Yes		June 2019	We need to have specialized air quality experts to assist in developing the plan to ensure that communities live under controlled and unpolluted environment.

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NUMBER	PLAN NAME	AVAILABILITY	TECHNICAL ASSISTANCE REQUIRED	APPROVE	DEVELOP	DRAFT REVIEW	COMPLETION DATE	GENERAL COMMENTS
7	Sport and Recreation Master Plan	No	No		Yes		June 2019	All available recreation facilities and planned future planned ones should comply to needs as envisaged through the plan.
8	Rural Road Assets Management Plan	No	Yes		Yes		June 2019	A report from the interaction with Public Works through RRAMS will provide background information for the development of this plan.
9	Precinct Plans	No	Yes		Yes		June 2019	The first critical precinct plans should be developed by September 2017 and thereafter other precinct plans in other towns should follow.
10	CBD and Urban Renewal Plan	No	Yes		Yes		June 2019	The Municipality needs the CBD renewal plan to ensure that our towns get resuscitated
11	Water Conservation and Demand Management Plan	No	Yes		Yes		June 2019	This plan will assist the Municipality when it is time for water restrictions and general water use management due to scarcity of water as a valuable resource.

All of the above master plans would require sizeable amount of money in the next financial year. We have however, commissioned development/review of the following service plans some of which must go to council for approval as follows:

ITEM	PLAN NAME (Service Plan)	STATUS	COMMENTS
1.0	Draft Spatial Development Framework	Draft	Approval by council
2.0	Integrated Human Settlement Plan	Draft	Approval by council
3.0	Integrated Waste Management Plan	Draft	Approval by council
4.0	Disaster Management Plan	Available	Need Review
5.0	Rural Development Plan	Complete	Approval by council
6.0	Rural Roads Assets Management Systems	Complete	Approval by council
7.0	Integrated Transport Plan	Available	Approval by council
8.0	Integrated Human Settlement Plan	Draft	Approval by council
9.0	Local Economic Development Strategy	Draft	Need Review

- *** The Draft revised IDP for 2018/ 19 financial year attached as **SEPARATE COVER 1 and 3 other Sector Plans will be uploaded on Sunday, the 26th May 2018.**

LEGAL IMPLICATIONS

Municipal Systems Act No. 32 of 2000- Chapter 5(s34) clearly indicates that a Municipal Council-

- (a) *Must review its integrated development plan-*
 - (i) *Annually in accordance with an assessment of its performance measurements in terms of section 41; and*
 - (ii) *To the extent that changing circumstances so demand; and*
- (b) *May amend its integrated development plan in accordance with a prescribed process.*

FINANCIAL IMPLICATIONS

The draft revised IDP for 2018/2019 did not require financial support.

RECOMMENDATIONS

1. That Council approves the draft revised IDP for the Financial Year 2018/2019.
2. That a Service Delivery Programme be linked to the priority needs submitted from all wards.
3. That Council approves the IDP with related attached IDP policies and master/sector plans.
4. That the approved IDP and related policies and sector plans be submitted to Member of the Executive Council responsible for Provincial Treasury and Department of Cooperative Governance and Traditional Affairs within the required time as stipulated by law.

A43 of 2018**THE 2018-2019 ANNUAL BUDGET FOR THE MATJHABENG MUNICIPALITY
(EXECUTIVE MAYOR) (6/1/1/1) (2018/2019)****PURPOSE**

To table the Annual Budget for the 2018/2019 medium term revenue and expenditure framework (MTREF) financial year.

BACKGROUND

According to section 16 (2) of the MFMA the Municipal Council must at least 90 days before the start of the budget year consider approval of the annual budget to be able to adhere to subsection 1 of section 16, which stipulates “The council of a municipality must for each financial year approve an annual budget for the municipality before the start of that financial year.

DISCUSSIONS

The consolidated Revenue Budget for the 2018/19 financial year is R 2 653 704 150, inclusive of operating and capital transfers and R 2 490 298 150 excluding capital transfers and contributions. The Expenditure Budget for the 2018/19 MTREF is R 2 415 436 293.

A - Revenue

- a) Increase of 5.3% in water tariffs for the 2018/2019 financial year. The proposed increase by Sedibeng is 9%.
- b) There will be an overall average increase of 6.84% in electricity tariffs for the 2018/2019 financial year as per NERSA guidelines
- c) Assessment rates will increase with 5.3%.
- d) There will be a 5.3% increase in Refuse and Sewerage Rates.
- e) General tariffs will increase with 5.3%

Budget Assumptions:-

- CPIX of approximately 5.3%
 - Increase in Sedibeng Water tariffs by 9%
 - Eskom Tariff increase of 7.32% and 6.84% for municipalities
 - Salary increases of approximately 8%
 - National Treasury (MFMA Circular No. 91)
- f) The average pay rate of **60%** has been informed by the following factors:-
 - Historic collection trends.
 - g) The Equitable Share allocation for the 2018/19 financial year will be **R 459 037 000**.

With this back ground in mind, we are therefore of the view that the budgeted revenue figure is realistic. However, the major challenge facing the municipality is the huge backlog in service delivery.

Capital Budget

The Capital Budget for the 2018/19 financial year is R 163 245 000. The sources of funds for the capital budget are as follow:

Municipal Infrastructure Grant	R 128 420 000
Water Services Infrastructure Grant	R 26 825 000
Integrated National Electrification Programme	R 8 000 000

*** Attached as SEPARATE COVER 2 is the Budget for 2018/19 - 2020/21 financial years.

*** Attached as SEPARATE COVER 3 is the tariffs.

During the 2017/2018 financial year, the Municipality conducted an exercise of fixed assets verification to comply with MFMA as well as to produce a GRAP compliant fixed assets register. In the process, it was identified that the Matjhabeng Assets Policy be reviewed and amended to comply with GRAP. It was also identified that minor assets should be de-recognised from the register in accordance with the Matjhabeng Assets Policy.

In compliance with the above prescripts, request is hereby put before Council for consideration and approval of the de-recognition of specific minor assets that are below the assets capitalization threshold as prescribed by the Matjhabeng Local Municipality fixed assets management policy.

*** Attached as SEPARATE COVER 4 are the Budget related policies.

*** Attached as SEPARATE COVER 5 is the amended Fixed Assets Management Policy.

*** Attached hereto as SEPARATE COVER 6 is a detailed list of proposed Assets.

BUDGET RELATED POLICIES

- Supply Chain Management Policy
- Municipal Property Rates Policy
- Credit Control Policy
- Indigent Policy
- Petty Cash Policy
- Subsistence and Travelling Policy
- Tariff Policy
- Unallocated Deposits Policy
- Budget Policy
- Deposits Policy
- Liability, Investment and Cash Management policy
- Asset Management policy

POLICY POSITION

- Municipal Finance Management Act
- Municipal Systems Act
- Municipal Budget Regulations

Matjhabeng Local Municipality is required to comply with Standards of Generally Recognised Accounting Practice (GRAP) issued by the Accounting Standards Board in accordance with Section 122(3) of the Municipal Finance Management Act (Act 56 of 2003). This further requires municipalities to apply the GRAP reporting framework outlined in the ASB Directive 5 *Determining the GRAP Reporting Framework*, issued on March 2009. The Appendix to ASB

Directive 5, part 2, lists the standards and pronouncements that are GRAP Reporting Framework effective for financial periods commencing on or after 1 April 2009 and should be applied as set out in paragraph .04 of ASB Directive 5.

FINANCIAL IMPLICATIONS

The expensing of de-recognised minor assets amounting R 235,745 as the attached SEPARATE COVER 6.

RECOMMENDATIONS

1. That Council adopts the 2018/19 MTREF Budget.
2. That Council approves the amended Fixed Assets Management Policy as submitted to be GRAP compliant.
3. That Council approves the de-recognition of the attached list of minor assets for the year ended 30 June 2018.

A44 of 2018

**SPECIAL ADJUSTMENT FOR 2016/2017 FINANCIAL YEAR (EXECUTIVE MAYOR)
(6/1/1) (2016/17)**

PURPOSE

The purpose of the item is to request Council to approve the Special Adjustment Budget for 2016/2017 financial year.

BACKGROUND

During the 2016/2017 financial year, the Municipality incurred unauthorised expenditure as per special adjustment budget attached hereto. In terms of regulation 23(6)(b) of the MBRR, Council may authorise unauthorised expenditure in a special adjustments budget tabled in Council when the mayor tables the annual report in terms of section 127(2) of the MFMA. This special adjustment budget “may only deal with unauthorised expenditure from the previous financial year which the Council is being requested to authorise in terms of section 32(2)(a)(i) of the Act.”

As per the above prescription submitting a special adjustment budget within the set timeframe is a minimum requirement and as such non-submission may lead to non-compliancy, however it remains within the Council’s jurisdiction to deliberate on the subject matter if it is submitted at a later date. Contrarily not deliberating on the special adjustment budget emanating from unauthorised expenditure of the previous financial year often leads to an adverse audit opinion.

- *** **Attached on page 35 to page 41 of the Annexures** is the MPAC report on investigation of Fruitless and Wasteful expenditure for the period ended 30 March 2018.
- *** **Attached on page 42 to page 50 of the Annexures** is the MPAC report on investigation of Irregular expenditure for the period ended 30 March 2018.

LEGAL IMPLICATIONS

Section 15 of the MFMA provides that a municipality may incur expenditure only in terms of an approved budget. This is confirmed by section 32(2)(a)(i) of the MFMA that provides that council may only authorise unauthorised expenditure in an adjustments budget.

Sections 28(c) and 28(g) of the MFMA, read together with regulations 23(1), 23(2), 23(4) and 23(6) of the MBRR, discusses *when* council may authorise unauthorised expenditure in an adjustments budget. This can be addressed in three different adjustments budgets as follows:

- (a) ***Adjustments budget for unforeseen and unavoidable expenditure:*** An adjustments budget to allow council to provide *ex post* authorisation for unforeseen and unavoidable expenditure that was authorised by the mayor in terms of section 29 of the MFMA must be tabled in council at the “first available opportunity” or within the 60 days after the expenditure was incurred (see section 29(3) of the MFMA). Should either of these timeframes be missed, the unforeseen and unavoidable expenditure must be treated in the same manner as any other type of unauthorised expenditure and may still be authorised in one of the other adjustments budgets process described below.
- (b) ***Main adjustments budget:*** In terms of regulation 23(6)(a) of the MBRR, council may authorise unauthorised expenditure in the adjustments budget which may be tabled in council “at any time after the mid-year budget and performance assessment has been tabled in the council, but

not later than 28 February of the current year". Therefore, unauthorised expenditure that occurred in the first half of the current financial year may be authorised by council in this adjustments budget. Where unauthorised expenditure from this period is not identified or investigated in time to include in this adjustments budget, it must be held over to the following adjustments budget process noted below.

(c) ***Special adjustments budget to authorise unauthorised expenditure:*** In terms of regulation 23(6)(b) of the MBRR, council may authorise unauthorised expenditure in a special adjustments budget tabled in council when the mayor tables the annual report in terms of section 127(2) of the MFMA. This special adjustment budget "may only deal with unauthorised expenditure from the previous financial year which the council is being requested to authorise in terms of section 32(2)(a)(i) of the Act." This special adjustment budget therefore deals with:

- unauthorised expenditure that occurred in the first half of the previous financial year that was not included in the main adjustments budget or that was included but referred back for further investigation or further information;
- unauthorised expenditure that occurred in the second half of the previous financial year, and
- any unauthorised expenditure identified by the Auditor-General during the annual audit process.

All instances of unauthorised expenditure must be recovered from the liable official or political office-bearer, unless the unauthorised expenditure has been authorised by council in an adjustments budget.

FINANCIAL IMPLICATIONS

Unauthorised expenditure as per special adjustment budget attached hereto, amounts to R965 932 246,00.

EXPENDITURE TYPE	ADJUSTED BUDGET 2016/17	POST AUDIT ACTUALS	VARIANCE	SPECIAL ADJUSTMENT BUDGET
Employee related costs	620 098 550,73	654 633 722,00	(34 535 171,00)	654 633 722,00
Remuneration of councillors	28 551 594,00	28 790 999,00	(239 405,00)	28 790 990,00
Debt impairment	70 000 000,00	350 487 460,00	(280 487 460,00)	350 487 460,00
Depreciation & asset impairment	87 000 000,00	210 591 424,00	(123 591 424,00)	210 591 424,00
Finance charges	105 980 000,00	225 560 704,00	(119 580 704,00)	225 560 704,00
Bulk purchases	676 436 219,79	893 422 073,00	(216 985 853,21)	893 422 073,00
Other materials	230 690 767,00	71 864 414,00	158 826 353,00	230 690 767,00
Contracted services	80 000 000,00	167 483 479,00	(87 483 479,00)	167 483 479,00
Transfers and grants	32 850 000,00	-	32 850 000,00	-
Other expenditure	105 127 252,00	208 156 182,00	(103 028 930,00)	208 156 182,00
Loss on disposal of PPE	-	-	-	-
	2 036 734 383,52	2 810 990 457,00	(965 932 426,00)	2 897 952 396,00
Non -cash items			(404 078 884,00)	
Bulk purchases and Eskom			(336 566 557,00)	
Interest			(225 286 985,27)	
Other expenditures				
Total Unauthorised expenditure			(965 932 246,00)	

RECOMMENDATIONS

1. That Council must condone the Special Adjustment Budget that was not submitted on the stipulated time.
2. That Council approves the Special Adjustment Budget to authorise the 2016/2017 unauthorised expenditure incurred.

A45 of 2018

DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN FOR 2017/2018 FINANCIAL YEAR (EXECUTIVE MAYOR) (6/1/1/1)

PURPOSE

The purpose of this item is to submit the draft Service Delivery and Budget Implementation Plan for 2018/19 Financial year to Council for consideration.

BACKGROUND

Municipalities are required in terms of the law to develop annual service delivery and budget implementations. The Municipality has of late been able to submit draft SDBIP as the requirement has been lately enforced as a compliance to Local Government: Municipal Finance Management Act, No.56 of 2003 and Preferential Procurement Policy Framework Act, No.5 of 2000 and Regulations.

We are submitting the document in compliance with pieces of legislation as follows:

1. Municipal Systems Act, Act 32 of 2000 states as follows:

- (1) (c) “The mayor of a municipality-
- (ii) that the municipality’s service delivery and budget implementation plan is approved by the mayor within 28 days after the approval of the budget;
- (3) The mayor must ensure-
 - (a) That the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made no later than 14 days after the approval of the service delivery and budget implementation.”

2. Municipal Financial Management Act, Act 56 of 2003: Circular 13:

“The SDBIP gives effect to the Integrated Development Plan (IDP) and budget of the municipality and will be possible if the IDP and budget are fully aligned with each other, as required by the MFMA”.

The first draft SDBIP for 2017/2018 financial year was submitted together with the draft IDP and budget to Mayoral Committee on the 22nd March and Council on the 28th March 2017.

*** **Attached as SEPARATE COVER 7** is the Draft Service Delivery and Implementation Plan for 2018/2019 financial years.

LEGAL IMPLICATIONS

The following pieces of legislations gave legal basis for the development of the plan:

1. Municipal Finance Management Act 2003:

Section 53 of the Municipal Systems Act states:

- (1) “The mayor of a municipality-
 - (c) (ii) that the municipality’s service delivery and budget implementation plan is approved by the mayor within 28 days after the approval of the budget;
2. **National Treasury: Circular 13:** p.1. “The SDBIP gives effect to the Integrated Development Plan (IDP) and budget of the municipality and will be possible if the IDP and budget are fully aligned with each other, as required by the MFMA”.

FINANCIAL IMPLICATION

There is no financial implications in developing the draft SDBIP for 2018/2019.

RECOMMENDATIONS

- 1. That Council notes the Draft Service Delivery and Budget Implementation plan for 2018/2019.
- 2. That the final Service Delivery and Budget Implementation Plan 2018/2019 be published together with the IDP and the Budget after the Executive Mayor has signed.
- 3. That the final SDBIP for 2018/2019 be submitted to Offices of the Provincial and National Treasuries as well as Provincial COGTA.

A46 of 2018

BUDGET/ IDP REVIEW PROCESS PLAN – 2019/ 2020 (EXECUTIVE MAYOR) (18/1/18)

PURPOSE

To present the Budget/ IDP Review Process Plan in terms of chapter 5 of the Municipal Systems Act and MFA chapter 4 section 21, to Council for consideration.

BACKGROUND

In terms of Chapter 5 section 34 of Local Government: Systems Act, a Municipal Council –

- a) Must review its Integrated Development Plan –
 - i) Annually in accordance with an assessment of its performance measurements in terms of section 41; and
 - ii) to extent that changing circumstances so demand; and
- b) May amend its Integrated Development Plan in accordance with a prescribed process.

The process plan for the review of IDP as contemplated in the section above is hereby complied with as per section 28 & 29 of the same Act.

The budget compilation is regulated in terms of section 21(1) (b) of the Municipal Finance Management.

The endeavor was made to align the IDP process with Budget time table to achieve seamlessness out of the two processes.

- *** Attached as **SEPARATE COVER 8A** is the IDP Review Process Plan 2019/ 2020.
 *** Attached as **SEPARATE COVER 8B** is the IDP/Budget Process Plan Time-table for 2019/ 2020.

LEGAL IMPLICATIONS.

To comply with the provisions of chapter 5 of the Municipal Systems Act and MFMA.

FINANCIAL IMPLICATIONS.

None

RECOMMENDATION

1. That Council approves the Budget/Integrated Development Plan Review Process-Plan for financial year 2019/ 20.

A47 of 2018

PROGRESS REPORT REGARDING THE ALLOCATION OF SITES/ FORMALISATION OF 7000 SITES IN THE AFFECTED WARDS OF MATJHABENG (EXECUTIVE MAYOR) (8/3/2)

PURPOSE

To present progress report with regard to site allocation/ formalization for 7000 pegged sites within Matjhabeng.

BACKGROUND AND DISCUSSION

On the 13th December 2016, the Municipal Council approved the draft allocation plan for 7000 sites planned and pegged within some areas in Matjhabeng.

Allocations are done per allocation program as approved by Council per Resolution A110/16.

PROJECT DEFINITIONS

The core focus of the project is the planning and pegging of 7000 erven in Matjhabeng in terms of the Matjhabeng business plan for 9 individual areas, as follows:

Planning Area	Ward	No. of sites pegged	Allocation status	Challenges faced
Nyakallong	19	300	None	Community members have expressed dissatisfaction with the number of sites pegged.
Kutlwano	10	2900	1580 allocated	Illegal land invasion
Phomolong	3	1654	None	None
Mmamahabane	1	500	432 sites allocated.	Delay in beneficiaries in paying R250 admin fee.
Thabong: Phokeng	25	810	Allocation completed	Sites pegged were insufficient as about 228 individuals could not be allocated. They are currently squatting in school site temporarily.
Bronville: Erf 32179, 32180 and 32371	11	500	None	Illegal land invasion
Bronville: Portion of Homestead 668	11	800	None	Illegal land invasion
Thabong Freedom Square	16	210	Allocation completed	None

Thabong: Phumlani	15	180	None	Illegal land invasion (eviction order obtaining in 2015 not implemented due to lack of funds for red ants).
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FURTHER DISCUSSION

Allocation of sites in the following area has been completed e.g. Freedom Square Informal Settlement, Phokeng site pegs were shown to occupants and they were allocated permanent site numbers, in Phokeng the number of site pegged could not accommodate the squatters, as a result there are still individuals who are occupying school site stand at number 228.

In August 2017 allocation of sites resumed in informal settlement K10 Kutlwanong and a meeting was later held on the 14 November 2017 between Kutlwanong Ward Councillors, MMC Human Settlements and responsible officials.

It was resolved:

- That only child headed families (from 1990) should be allocated sites and the rest will be dealt with when the aged have been assisted.
- That approved waiting list (195) for all wards in Kutlwanong be obtained from the responsible official and be verified on HSS and Deeds search for allocation purpose on the green field.

To date 1540 people were allocated sites, this process was hampered by illegal invasion of land which emanated, the matter was referred to Legal Service for sourcing of Eviction order.

As of currently the department is busy with allocation process in Mmamahabane, so far about 259 sites have been allocated, the process is proceeding slowly due to delay in Beneficiaries in payment the R250 admin fee.

The department will be ready to proceed to Phomolong once allocation is completed in Mmamahabane.

Allocation in the following area is still to follow, Bronville, Pumlani and Allanridge.

PROBLEM STATEMENT

During February 2018 Council directed that all outstanding sites had to be allocated and the project should be completed by March 2018, due to shortage of staff personnel provincial department of Human Settlement and HDA was roped in to assist with appointment of Surveyor to supplement Matjhabeng staff, a tender went out requesting quotation of surveyors, however, the amount tendered for exceeded the department's budget.

Further to above, the Municipality has of currently been facing massive land invasion, this land invasion hamper the progress of allocation, as of currently allocation in Kutlwanong was hampered by invasion of land. The same challenge is faced with regards Bronville, illegal land invasion occurred whilst the department was preparing to allocate sites.

All cases of land invasion have since been referred Legal Service department to obtain Eviction order.

FINANCIAL IMPLICATIONS

The process usually requires overtime authorization due to staff limitations as well as to cater for some occupants who are only available during weekends and after hours.

Legal cost incurred in the process of obtaining eviction order.

LEGAL IMPLICATIONS

Municipal Policy on allocation of site.

Council approved Strategy on site allocation per Resolution A48/2016.

IN CONCLUSION

Ward Councillors in wards to be allocated were issued with Council approved 195 beneficiaries list. Submission of this list to respective ward Councillor was to enable them to verify their beneficiaries, unfortunately the department is still awaiting the verification report from Ward 11, 23 and 24.

RECOMMENDATIONS

1. That Council takes note of the report.
2. That a time-frame be indicated in terms of the allocation process.

A48 of 2018

**PROGRESS ON MUNICIPAL ACCREDITATION PROGRAMME (EXECUTIVE
MAYOR) (7/1/4/1)**

PURPOSE

To inform Council about the progress in Municipal Accreditation Programme.

BACKGROUND AND DISCUSSION

In its sitting on the 25 September 2012 **COUNCIL RESOLVED:**

1. That Council **ACKNOWLEDGES** the requirements of the accreditation process.
2. That Council **APPROVES** the participation of the municipality in the accreditation Programme.
3. That the Municipal Manager **MUST SUBMIT** a quarterly report to Council indicating Progress made.

Subsequently, Lekwa Consulting was appointed to assist Municipalities with the development of the Accreditation Business Plan.

IN ITS SITTING ON THE 28TH MARCH 2017 COUNCIL RESOLVED:

That Council **ACKNOWLEDGES** the requirements of the Level 1 accreditation Business Plan process to be compiled by Lekwa Consulting (HDA).

That Council **APPROVES** the participation of the municipality in the Level I accreditation Business Plan programme.

That Me Mothekhe be appointed as accreditation champion on behalf of the Municipality.
That workshop be held on behalf of all Councillors on accreditation process.

In compliance with the council resolution a workshop was held on the 9th May 2017.
A progress report was submitted to council on the 31st May 2017.

COUNCIL FURTHER RESOLVED to take note of progress made in the Accreditation process.

On the 29th June the department and Lekwa consulting had a working session to finalise the outstanding ABP templates, required documents were submitted electronically with an undertaking to submit copies per requirements of Lekwa.

During this working session the consultant expressed a concern on the lack of following plans:

1. Housing Sector Plan
2. Infrastructure Plan: water and sanitation, electricity, roads
3. Risk Management Plan

4. Land use management strategy
5. Integrated Transport Management Plan
6. Economic Growth strategy or LED Plan
7. Updated Spatial Development Framework

Subsequently a final meeting was convened on the 3rd October 2017 by the Provincial Department of Human Settlements to finalize the completion of the Enhanced Accreditation Tool questionnaire.

Pursuant to the above meeting, a Provincial Accreditation PSC was convened in Bloemfontein on the 6th October 2017 for the identified municipalities to submit the Business Plan. The Municipal Manager successfully signed off for the final assessment document that would inform level 1 accreditation readiness.

Limitations were however indicated on the absence of the compliance plans as alluded to above, as well as their possibility to negatively affect the acquisition of ABP Level 1.

During the compilation of this report, the consolidated document developed by HDA after the Accreditation PSC was not yet forwarded to the Municipality.

PROGRESS

An item was later submitted to Council and it was resolved:

COUNCIL RESOLVED: (16 JANUARY 2018)

1. That Council **TAKES NOTE** of the progress report.
2. That the sector plans **BE SECURED** in line with the recommendations from Lekwa Consulting and Free State Provincial Government.
3. That the Provincial Department of Human Settlements **BE APPROACHED** for assistance with acquisition of Sector Plans.
4. That the Municipal Manager **MUST ENSURE** that the master plans are in place by the next Council meeting.

FURTHER DISCUSSION

In an endeavour to implement the absence of the compliance plans, Royal HaskoningDHV Consultants were appointed in order to develop the Sector Plans. The Task team consisting of Municipal officials from the affected Directorates are meeting regularly with the Consultants for the development of the Sector Plans. The Consultants will assist with the development of:

- Housing Sector Plan
- Spatial Development Framework (SDF)
- Land use management Plan; and
- Infrastructure Management Plan

The drafts are expected to be handed in by end of March

Due to the financial constraints on the side of the Municipality, Royal HaskoningDHV Consultants are unable to proceed with the development of the Sector Plans.

FINANCIAL IMPLICATIONS

The Municipality has procured a Service provider to develop the Sector Plans

POLICY POSITION

The Constitution of South Africa 1996

Section 26 of the Constitution of the Republic of South Africa, 1996, states that everyone has the right to have “access to adequate housing.”

Housing Act of 1997 as amended (second amendment Act. No 60 of 1999)

Section 9 of the Housing Act of 1997 section 1 as amended, states that every Municipality must, as part of the municipality’s process of integrated development planning, take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to-

Ensure that-

“the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis”

- Guidelines on Breaking New Grounds(BNG)
- Approved Municipal IDP and Budget
- SDBIP

RECOMMENDATIONS

1. That Council takes note of the progress report.
2. That funds be made available for the Service Provider to proceed with Sector Plans.
3. That the area be considered for Gap Market development.

A49 of 2018

**REQUEST FOR APPROVAL OF MATJHABENG LOCAL MUNICIPALITY 1st
DRAFT RESETTLEMENT PLAN – UPGRADING / RELOCATION OF INFORMAL
SETTLEMENTS (EXECUTIVE MAYOR) (8/3/2)**

PURPOSE

To obtain Council approval for Matjhabeng Local Municipality 1st Draft Re-Settlement Plan in order to upgrade or relocate Informal Settlements in Matjhabeng.

BACKGROUND

A rapid assessment on Informal Settlements in Matjhabeng was conducted in 2013 with the assistance of Housing Development Agency (HDA).

The process to enumerate informal settlement was then physically conducted by Provincially appointed consultants, Kayamandi, with the assistance of 30 local people (five Matjhabeng units included) who were trained on enumeration procedures (skills transfer).

*** The 1st Draft Re-Settlement Plan of the 21 informal settlements which were identified is attached as SEPARATE COVER 9.

SURVEY

1. In summary, the following outcomes were recorded in most of the informal settlements which were rapidly assessed:
 - Most settlements have access to shared water taps (communal taps) while others access water from the existing settlements or neighbours.
 - Most settlements have access to self-dug pit toilets but others use bucket system and others reported to be helping themselves in the bushes or from neighbours.
2. Settlements are situated within or closer to the existing townships, this makes easy access to the services or connection points in other settlements.
 - Most settlements are accessible from the streets of the existing townships and close by major roads.
 - Most areas have no access to street lighting but other settlements receive light from the high mass light from the existing townships.
 - Settlements are situated on Municipal Land.
 - There are in-situ upgrading settlements and others earmarked for relocation.
 - Land for relocation already identified for other settlements but land identification may be necessary for settlements in Virginia.
 - Areas earmarked for relocation are closer to the existing townships and planning and survey have already commenced for some settlements.
 - Sector alignment -other sector department must be involved from planning phase of the settlements in order to avoid unoccupied open spaces.

- Socio-economic facilities must also be considered when planning for the settlement with involvement of relevant sectors.

It was with regard to the above survey that the Housing Development Agency developed a Re-settlement plan for the Municipality in order to identify the informal settlement that could be relocated and those that have possibility of being upgraded in situ.

Relocation plan process will assist the municipality to:

- Determine and confirm current settlement profile
- Identify pros and cons of relocation process to earmarked site
- Formulate strategy and action plan
- Formulation of development scenarios and options for qualifiers and non- qualifiers
- Coming up with different Mechanisms to avoid re-invasion post relocation

*** **Attached on page 51 of the Annexures** is a letter from the Free State Department of Human Settlements.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

Municipal policy on allocation of Sites

RECOMMENDATION

1. That Council approves the Matjhabeng Local Municipality's 1st Draft Re-Settlement Plan Upgrading / Relocation of Informal Settlements.

A50 of 2018

**DISPOSAL OF CAPITAL ASSETS – ALIENATION OF IMMOVABLE PROPERTIES:
COMMUNITY FACILITIES SITES IN MATJHABENG (EXECUTIVE MAYOR) (8/3)**

PURPOSE

To request Council to pronounce itself pertaining to disposal Community Facilities sites (churches, crèches and NPO) within Matjhabeng Municipality.

BACKGROUND

Its Common knowledge that Matjhabeng Local Municipality has been faced with numerous requests from religious communities and Non-profit organization(NPO) for disposal of community facilities sites, the Human Settlement department embark on vigorous task to identified all community facilities sites within Matjhabeng, this process also led to various engagement with religious communities and NPO on qualifying criteria for Organizations to acquire sites as per approved municipal policy on disposal of Immovable Assets Policy.

About 364 Community Facilities Sites where identified, on further assessment it was further discovered that 80% of this sites have already been occupied by various churches and NPO, occupation in majority of this sites was done illegal by the respective Organizations, in other cases occupation was granted by our former TLC's and no formally deed of sale was concluded with respective institutions.

This illegal occupation was exacerbated by the fact that during the financial year of 2009/2010 no land disposal was done as disposal of land was placed on moratorium.

*** We attached hereto list of application received during this period that could not be processed **on page 52 to 69 of the Annexures.**

Council has inherent responsibility to provide social facilities for its community, Section 152 (1) outline the core objective of Local Government as follows;

- (a) to provide democratic and accountable government for local communities;
- (b) to ensure the provision of services to communities in a sustainable manner;
- (c) to promote social and economic development;
- (d) to promote a safe and healthy environment; and
- (e) to encourage the involvement of communities and community organization in the matters of local government.

PROBLEM STATEMENT

The disposal of sites is ordinarily done through Section 14 of MFMA, which requires disposal process to be through competitive bidding, in normal circumstance the disposal of identified sites should be done in terms of Section 14, however it is imperative for Council to apply its mind in cases where occupation of sites has already been done, as stipulated above 80% of this sites have already been occupied.

There is strong likelihood of social conflict emanating between the Organization and municipality or Community and the Municipality, particularly with regards to the manner that Council resolve

for the Sites to be disposed. The Human Settlement department envisaged the following challenges with regards to this;

1. if Council direct disposal of sites to Organization that have already occupied sites this could be perceived as Council condoning illegal acts, as some of this organization occupied sites illegal.
2. Municipality will have to instituted eviction orders on all sites occupied prior to disposal, the eviction process can lead to community unrest as it might not be well received by the respective community, further to the above the eviction can be timeous and costly to the Municipality and further delay the disposal of community facilities sites.
3. In some cases this Organization are owing thousands and thousands to the Municipality on the service bill, this has contributed intensely to financial challenges of the Municipality as most churches and crèches that have occupied sites are further not paying any rental occupation for the sites, nor do they pay rates and taxes on the land occupied.

It is against this background that Human Settlement department requires a directive from Council pertaining to disposal of the identified sites.

*** Attached find the list of sites identified for disposal **on page 70 to 82 of the Annexures.**

FINANCIAL IMPLICATION

The process has the benefit of increasing revenue for the Municipality, from the open market values received from all the properties.

This envisaged revenue could further be utilized to fund extension of bulk service in some of these sites where infrastructure has advised that extension of service will be required, it's quite evident the estimated cost envisaged for extension of bulk services are minimal to the revenue to be received from disposal of land, further to the above the Municipality is guarantee increase monthly income derived for Council in for assessment rates and other charges.

However the Municipality will have to incur the cost for requisition of valuation certificate of each erven from the appointed Municipal Valuer.

Should Council resolve for eviction of Organization who have occupied illegal the implication is that there will be legal cost incurred.

LEGAL IMPLICATION

Section 14 of the Municipal Finance Management Act No. 56 of 2003 states:

14. (1) A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.
- (2) A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in sub-section (1), but only after the Municipal Council, in a meeting open to the public –
 - (a) Has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal service; and

- (b) Has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.
- (3) A decision by a Municipal Council that a specific capital asset is not needed to provide the minimum level of basic municipal services, may not be reversed by the Municipality after that asset has been sold, transferred or otherwise disposed of.
- (4) Any transfer of ownership of a capital asset in terms of sub-section (2) or (4) must be fair, equitable, transparent, competitive and consistent with the Supply Chain Management (SCM) Policy which the Municipality must have and maintain in terms of Section 111.

POLICY POSITION

Matjhabeng SCM Policy (as amended) states:

- 6.6 The Municipal Manager must ensure that:
 - (a) immovable capital assets are sold at market related prices, unless the public interest or the plight of the poor demands otherwise;
 - (b) movable capital assets are sold either by way of written quotation, a competitive bidding process, auction or at market related prices, whichever is the most advantageous to the Municipality;
 - (c) immovable capital assets are leased/ let at market related rates, unless the public interest or the plight of the poor demands otherwise;
 - (d) where assets are traded-in for other assets, the highest possible trade-in price is negotiated; and
 - (e) all fees, charges, rates, tariffs, scales of fees or other charges relating to the leasing of movable and immovable assets are reviewed annually.
- 6.7 Subject to the provisions of this policy, the disposal of immovable capital assets shall be effected by means of competitive bidding or by evaluated or negotiated price if no more than one company is bidding.

Policy on the Alienation of Immovable Assets

9. MANNER OF DISPOSAL OF THE MUNICIPAL'S VARIOUS CATEGORIES OF ASSETS

9.1 Definition of the Process

(All marked related values to be determined between the average marked related values of sworn valuers.)

9.1.1 The disposal must seek to achieve objectives of the municipality read with the Supply Chain Management Policy. The following methods can be employed:

9.1.1.1 The outright tender method which involves the call for purely financial offers for the immovable property offered for alienation. In adjudicating such tenders the highest financial offer will score a determined number of points with lower offers scoring proportionately in

relation to the highest offer. In addition, points must be allocated for complying with the municipality's Black Economic Empowerment Policy.

9.1.1.2 The main objective of the outright tender method is the promotion of first time home ownership in previously disadvantaged communities. Black persons who had never before owned immovable property, either directly or indirectly, but are financially able and otherwise qualified will be afforded preference in the adjudication of the tenders. This will apply solely to the disposal of single residential erven in areas and on sites considered suitable to meet this objective.

9.1.1.3 Competitive bidding, defined in the Supply Chain Management Regulations.

9.1.1.4 Unsolicited bid, especially for socio economic reasons where the plight of poor justifies it and for purposes of social housing.

9.1.1.5 Private treaty applicable between organs of state.

9.2.2.1 Will be subject to an upset price that is market related determined from an average marked related between two sworn Valuers.

9.2.2.2 Will, within certain pricing cohorts as determined by the Council from time to time, be allocated to take into account persons who might have been previously disadvantaged.

9.2.2.3 The creation of a free-standing (new –spaces-development) lot will in each instance be preference of the Council in order that the new residential opportunities are created.

Prevention of Illegal Eviction Act no: 19 of 1998.

CONCLUSION

Drawing from the inputs as provided by the departments indicated on the separate table attached as part of the Annexures it can therefore be concluded that the requested portion is not required for the provision of municipal services as such can be disposed of accordingly.

RECOMMENDATIONS

1. That Council notes the report.
2. That Council resolves that Erven mentioned on the item and also depicted in table below are not needed to provide future minimum basic municipal services.
3. That Council notes the Valuation amount on each property as received from our revenue department.
4. That Council resolves, in compliance to Section 14 (5) of the MFMA, that the property be disposed of at the market value in a fair, equitable, transparent, competitive manner and in accordance with Council's Supply Chain Management Policy and Policy on the Alienation of Immovable Assets.
5. That Council resolves that the Municipal Manager, in compliance with Section 6.20 of the SCM Policy and Policy on the Alienation of Immovable Assets, shall submit a report concerning the outcome of the bidding process to Council.

A51 of 2018**RE: ESTABLISHMENT OF DISCIPLINARY BOARD TO ASSIST COUNCIL WITH ALLEGATIONS OF FINANCIAL MISCONDUCT (EXECUTIVE MAYOR)****PURPOSE**

To submit to Council a proposal for establishing disciplinary board as required by section 4 (8) of Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings.

BACKGROUND

In reference to Communication 15 of audit finding, Auditor General has identified that the Municipality does not have a disciplinary board in place to assist Council with allegations of financial misconduct as prescribed by the required act “Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings section 4(1), 4(3), 4(5) (d), (e) & (f)”.

REQUIREMENT

The Municipality is required to establish the disciplinary committee and charge it with a responsibility to investigate allegations of financial misconduct in terms of MFMA Act No.56 of 2003.

Section 4 of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, “Establishment of disciplinary board and its functioning” state;

(1) A municipal council or board of directors of a municipal entity must establish a disciplinary board to investigate allegations of financial misconduct in the municipality or municipal entity, and to monitor the institution of disciplinary proceedings against an alleged transgressor.

(2) A disciplinary board is an independent advisory body that assists the council or the board of directors with the investigation of allegations of financial misconduct, and provide recommendations on further steps to be taken regarding disciplinary proceedings, or any other relevant steps to be taken.

(3) A disciplinary board must consist of maximum five members appointed on a part- time basis by the council or board of directors for a period not exceeding three years, in accordance with a process as determined by the municipal council or board of directors.

Section 4(8) of the Act states that should the municipality not have enough capacity to appoint such a committee, “a disciplinary board established by a district municipality or an equivalent provincial or national structure established for a similar purpose may, with approval of the district municipality or provincial or national structure, be used as a disciplinary board for the municipality or municipal entity”.

*** See Government Gazette No. 37682 attached as **SEPARATE COVER 10.**

DISCUSSION

Pertaining to the finding of disciplinary committee establishment, discussions took place at the Executive Management Committee and weekly Audit Steering Committee meetings to ensure that the finding is resolved. The Committees realised that Lejweleputswa District Municipality has already established a disciplinary board.

*** Please see the minutes of Lejweleputswa District Municipality as **SEPARATE COVER 11.**

RECOMMENDATIONS

1. That Council approves the establishment of Matjhabeng Local Municipality Disciplinary Board.
2. That as a temporary solution, it is recommended that Council approves that a Committee be established in terms of section 4 (8) of Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings in order to respond to the finding raised by the Auditor General.

A52 of 2018

DEVELOPMENT OF MASTER PLANS BY THE DEVELOPMENT BANK OF SOUTH AFRICA FOR THE MUNICIPALITY (DBSA) (EXECUTIVE MAYOR) (5/6/2/5)

PURPOSE

To seek approval from Council to pursue engagements with the Development Bank of South Africa (DBSA) on the development of the Water and Sanitation Master Plan and the Roads and Storm Water Master Plan through their in-kind grant.

BACKGROUND

The Municipality is in urgent need of Master Plans in order to guide Municipal infrastructure development for the next 25 to 30 years. Due to financial constraints, the Master Plans were not being developed in the past whilst settlements grew and consequently the demand to provide the community with efficient quality basic services also increased.

On the 29th March 2018 we received an e-mail from the Municipal Infrastructure Support Agency (MISA) inviting us to submit a letter requesting DBSA for funding support to assist the Municipality in Developing Master Plans.

- *** **Attached on page 83 to page 87 of the Annexures** is the email from MISA and our letter of response thereof.

We received response from DBSA on the 7th May 2018 and subsequently held a meeting with them on the 11th May 2018.

- *** **Attached on page 88 to page 90 of the Annexures** is the Agenda and Attendance register of the meeting.

DISCUSSIONS

Although we had requested for 7 (seven) Master Plans, it was agreed in the meeting of the 11th May 2018 that as a start they can consider only two Master Plans namely; Water and Sanitation Master Plan and the Roads and Storm Water Master Plan considering the development challenges as far as these services are concerned. Our IDP is also not credible due to a lack of Master Plans. There is a need for the Municipal Manager to resubmit the application for only these two Master Plans.

DBSA indicated that the development of these Master Plans will be funded in-kind. Therefore; they will procure a Service Provider, manage and monitor the Service Provider, while we provide inputs and all relevant information required throughout the entire process until the development of the Plans is finalized.

DBSA has already started with their internal processes to implement the programme. It is part of their requirements to get Council approval authorizing the Municipal Manager to apply, commit to contribution, execution, migration and execution of projects to be identified in the Infrastructure Plan. Further the DBSA emphasized the need to commit to the Municipality's contribution towards the development of the Infrastructure Plans in our application, which can either be monetary or in-

kind. Upon the final approval of our application by their Investment Committee, a project steering committee composed of various stakeholders will be established.

FINANCIAL IMPLICATION

To be carried by DBSA. The Municipality will only contribute in-kind.

LEGAL IMPLICATION

As per Section 152 and 153 of the Constitution;

152. Objects of local Government

The objects of local Government are –

- a. to provide democratic and accountable government for local communities;
- b. to ensure the provision of services to communities in a sustainable manner;
- c. to promote social and economic development;
- d. to promote a safe and healthy environment; and
- e. to encourage the involvement of communities and community organizations in the matters of local government.

1. A Municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

153. Developmental duties of Municipalities

A Municipality must –

- a. structure and manage its administration, and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and
- b. Participate in national and provincial development programmes.

5.2 As per Section 26 the Municipal Systems Act:

26. Core components of integrated development plans

An integrated development plan must reflect-

- a. The Municipal Council's vision for the long term development of the Municipality with special emphasis on the municipality's most critical development and internal transformation needs;
- b. An assessment of the existing level of development in the Municipality, which must include an identification of communities which do not have access to basic Municipal services;
- c. The Council's development priorities and objectives for its elected term, including its local economic development aims and its internal transformation needs;
- d. The Council's development strategies which must be aligned with any national or provincial sectoral plans and planning requirements binding on the Municipality in terms of legislation;
- e. A spatial development framework which must include the provision of basic guidelines for a land use management system for the Municipality;
- f. The council's operational strategies;

- g. Applicable disaster management plans;
- h. A financial plan, which must include a budget projection for at least the next three years; and the key performance indicators and performance targets determined in terms of section 41.

5.3 As per Section 3 the Water Services Act:

2. Right of access to basic water supply and basic sanitation

1. Everyone has a right of access to basic water supply and basic sanitation.
2. Every water services institution must take reasonable measures to realize these rights 15
3. Every water services authority must, in its water services development plan Provide for measures to realize these rights.
4. The rights mentioned in this section are subject to the limitations contained in this Act.

OTHER IMPLICATIONS

The Municipality will gain the following benefits from the development of these Master Plans:

- A credible IDP
- Guided new infrastructure development
- Clearly identified critical infrastructure requiring improvement
- Transformation of our targeted service delivery objectives into tangible plans and goals

RECOMMENDATIONS

1. That the item be noted.
2. That the Municipal Manager be authorized to continue engagements and co-operation with the Development Bank of South Africa (DBSA) in order to access their in-kind grant to develop the following master plans:
 - 2.1.1 water and sanitation master plan
 - 2.1.2 roads and storm water master plan
3. That the Municipal Manager be authorized to enter into a memorandum of agreement (moa) upon final approval of the application by the investment committee of the Development Bank of South Africa (DBSA).
4. That the Municipality's contribution towards the development of the master plans be in-kind and not of monetary value.

A53 of 2018

SANRAL INTERVENTION TO REPAIR ROADS IN MATJHABENG MUNICIPALITY THROUGH THE VENTERSBURG QUARRY (EXECUTIVE MAYOR) (8/3/2)

PURPOSE

To provide feedback to Council on engagements with SANRAL on the Ventersburg quarry.

BACKGROUND

The Municipality held a meeting with the representatives of SANRAL on 20 April 2018, to discuss the possibility of SANRAL assisting the Municipality to access the Ventersburg Quarry which was alienated to them by Council in 2015, to get material to repair roads in the Municipal area.

The contract for the mining in the quarry expired and currently material has been stockpiled. Therefore, there is no mining activity in the quarry. SANRAL still has mining rights in the quarry, and therefore they can provide support to the Municipality by assisting with documentation to acquire own mining Contractor, but strongly advised that it would be imperative to determine the scope of work to minimize wastage of material.

During the upgrading of the N1 in Ventersburg, the surrounding roads of the Municipality were damaged. SANRAL indicated that the main Voortrekker Road and MMA 80 leading to their truck stop in the new 2018/19 financial year will be repaired.

DISCUSSIONS

SANRAL committed to provide technical support to the Municipality to complete a comprehensive plan to repair roads depending on condition. The Municipality forwarded information of the entire road network, per type, road length and width and current condition on 23 April 2018, so that they can resume with a desktop study before they can send technical support staff to complete the comprehensive plan with the Municipality. A short-term plan to gravel roads in townships will also be included.

It was agreed that the comprehensive plan and MOU should be finalized by 30 May 2018, but unfortunately there has not been any progress on the side of SANRAL, even after follow-up was done via e-mail on 02 May 2018 and several times telephonically.

FINANCIAL IMPLICATION

None.

LEGAL IMPLICATION

As per Section 41 and 152 of the Constitution;

41. Principles of co-operative government and intergovernmental relations

1. All spheres of government and all organs of state within each sphere must:

- h) co-operate with one another in mutual trust and good faith by:
 - i. fostering friendly relations;
 - ii. assisting and supporting one another;
 - iii. informing one another of, and consulting one another on, matters of common interest;
 - iv. co-ordinating their actions and legislation with one another;
 - v. adhering to agreed procedures; and
 - vi. avoiding legal proceedings against one another.

152. Objects of local Government

1. The objects of local Government are -
 - (b) to ensure the provision of services to communities in a sustainable manner;
 - (c) to promote social and economic development;
 - (d) to promote a safe and healthy environment; and
2. A Municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

OTHER IMPLICATIONS

The condition of roads in Matjhabeng is very bad, and maintenance is not regularly done due to a shortage of resources, thus service delivery is affected. With the intervention from SANRAL, roads maintenance can be improved and service delivery improved.

RECOMMENDATIONS

1. That the report be noted.
2. That a letter be written to the CEO of SANRAL and the Director General of the National Department of Transport respectively to express disappointment on the lack of progress as agreed on 20 April 2018.
3. That the Executive Mayor and the Municipal Manager must arrange a meeting with the Minister of the National Department of Transport for intervention.

A54 of 2018

MOTION BY CLLR P.F. BOTHA: MOTION TO HAVE MEDIA NEWS CONTRACT DECLARED NULL AND VOID (20/14/4/3)

PURPOSE

To submit to Council the motion received from Cllr P.F. Botha for consideration.

BACKGROUND

- *** A copy of the motion by the Cllr P.F. Botha dated 09 May 2018 is attached on **page 91 to page 108 of the Annexures**.

LEGISLATIVE MANDATE

Rule 54 of the Standard Rules and Orders states that:

- “1) A councillor or traditional leader may put a matter on the agenda of a committee of which he or she is a member or of the council by submitting a written motion to the municipal manager, provided that a councillor or traditional leader may orally request the municipal manager to include a motion in the agenda for the first ordinary meeting of such committee or the council next ensuing.”

Rule 55 of the Standard Rules and Orders states that:

- “1) With due regard for the provisions of sub-rule (4) a motion in terms of rule 54 must be included in the agenda for the first ordinary meeting next ensuing of the council or the committee concerned, provided it had reached the municipal manager at least forty-eight hours before the date referred to in rule 10(1).
- 2) Only one motion of a councillor or traditional leader may be considered at a meeting.
- 3) If the introducer of a motion is absent during the meeting when the motion is put to the order, it is deferred to the ensuing ordinary meeting of the council or committee, as the case may be.
- 4) Any motion which-
- (a) contemplates the repeal or amendment of a resolution taken during the preceding three months; or
 - (b) has the same scope as a motion that had been rejected during the preceding three months may not be included in the agenda, unless it has been signed by at least three councillors in addition to its introducer.”

FINANCIAL IMPLICATIONS

None

SUBMITTED FOR CONSIDERATION

MATJHABENG MUNICIPALITY

ANNEXURES

of the

**3RD ORDINARY COUNCIL MEETING
FOR THE YEAR 2018**

convened for

WEDNESDAY, 30 MAY 2018

at

15h00

at the

**MAREMATLOU HIGH SCHOOL,
MELODING, VIRGINIA**

Subject: Free State Municipal Reconvened Elective Meeting for Employer Representatives:
Tuesday, 03 April 2018

Dear SALA Free State Municipal Employer Representatives,

I trust that you are all good.

You are kindly invited to the Free State Municipal Reconvened elective meeting for Employer representatives as resolved during the previous Free State Elective meeting. The details of the meeting are as follow:

VENUE	: Protea Hotel Bloemfontein, Nelson Mandela Drive,
Bloemfontein	
DATE	: Tuesday, 03rd April 2018

MEETING PROGRAMME:

03 April 2018

10:00 - Meeting commences
 11:30 - tea / coffee / snacks
 12h30 - Meeting ends

Thank you and kind Regards

Wandile Olifant

Consultant
Free State and KwaZulu Natal Provinces
Sala Pension Fund

Tel : +27 (0) 11 282 3038
 Fax/Fx : 086 608 9990
 Email : wandile.olifant@salapensionfund.co.za
 Website : www.salapensionfund.co.za



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Subject: Emily Kuzwayo
051 447 1960
051 430 8250
No: 1.5.1.
e-mail: ekuzwayo@salga.org.za
Date: 19 February 2018

2



All Municipalities

To: The Hon. Speaker

CC: Executive Mayor/Mayor
Municipal Manager

Dear Hon. Speakers

ESTABLISHMENT OF MULTIPARTY WOMEN CAUCUSES IN MUNICIPALITIES

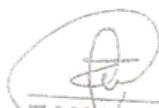
By the directive of Cllr Tshidi Koloi who is the Provincial SALGA Women Commissioner. Municipalities are advised on the outcomes of the SWC meeting held on 25 January 2018 and the subsequent Speakers Forum on 13th February 2018.¹ That all Municipalities are to nominate the chairpersons of the Multiparty Women Caucuses(WC) by no later than 27 February 2018.

Attached to this communique is the guiding processes towards the establishment of the Multiparty Women Caucus, key outcomes and resolutions of the SALGA WOMEN COMMISSION meeting held on 25 January 2018 and extract from the outcomes report of the Municipal Speaker's forum of 13th February 2018 re - SALGA WOMEN COMMISSION and multiparty women caucuses.

The names of the Women Caucuses are to be sent to SALGA for the attention of Ms. Vuyiswa Moyikwa @ vmoyikwa@salga.org.za or Ms. Mathanapa Motlogeloa @ mmotlogeloa@salga.org.za By 27 February 2018.

For further enquiries please do not hesitate to contact Ms. Emily Kuzwayo on 051 4471960/ 0769508734 or via email at ekuzwayo@salga.org.za.

Yours sincerely,


ZANDOLO L. FUTWA
PROVINCIAL EXECUTIVE OFFICER

Enquiries: Emily Kuzwayo
 Tel : 051 447 1960
 Fax : 051 430 8250
 Ref No : 1.4.3.5.2.3
 E-mail : ekuzwayo@salga.org.za
 Date : 20 March 2018



GUIDELINES TOWARDS THE ESTABLISHMENT OF WOMEN CAUCUSES IN MUNICIPALITIES

1. ESTABLISHMENT OF WOMEN CAUCUS

- Established by a Municipal council with a view to promote Gender Equity and Equality

2. COMPOSITION

- All Women Cllrs are members irrespective of political affiliation

3. ELECTION

- The Speaker convenes and facilitates a session where women elect the committee which will elect the chairperson of the caucus

4. ROLE OF WOMEN CAUCUS

4.1. OVERSIGHT ROLE

- Support the SPU to lobby for implementation of Council, SALGA, Provincial and National resolutions

4.2. CAPACITY BUILDING ROLE

- Identify specific social, economic, political, legal and cultural constraints hindering the full participation of women in local governance structures and advocate for training.
- Identify and assess the capacity of women in local level (the municipality).
- Promote and monitor implementation of the municipal Skills Development Plan (with a bias on women).

4.3. ADVOCACY AND LOBBY ROLE

ELECTORAL COMMISSION

Memo

To: The Municipal Manager: Matjhabeng Local Municipality

From: B Heuvel

CC: G Abrahams; J Tshabalala; I Liba; E Macala; K Simelane

Date: 16 April 2018

Re: Replacement of African National Congress (ANC) PR Councillor
Tsupa: FS184 – Matjhabeng Local Municipality

Urgent For Review Please Comment Please Reply Please Recycle

Please be advised that as prescribed in item 18 of Schedule 1 of the Municipal Structures Act, 1998 (Act. No. 117 of 1998), that **Ketlhoname Victoria Van Rooyen, ID No. 641116 0688 084**, being the candidate at the top of the party list for the African National Congress (ANC) has been declared elected to Matjhabeng Local Municipality.

Councillor Van Rooyen replaces Malerato Rosemary Tsupa, ID No. 8103051180 085, who ceased to hold office of Councillor in the municipality.

Sincerely

B Heuvel
Manager: Voter Registration & Party Liaison



ELECTORAL COMMISSION

ENSURING FREE AND FAIR ELECTIONS

SOUTH AFRICA



ELECTORAL COMMISSION

Memo

To: The Municipal Manager: Matjhabeng Local Municipality

From: B Heuvel

CC: G Abrahams; J Tshabalala; I Liba; N Macala; K Simelane

Date: 09 April 2018

Re: Replacement of Economic Freedom Fighters (EFF) PR Councillor
Tsoaeli: FS184 – Matjhabeng Local Municipality

Urgent For Review Please Comment Please Reply Please Recycle

Please be advised that as prescribed in item 18 of Schedule 1 of the Municipal Structures Act, 1998 (Act. No. 117 of 1998), that Bonakele Lucas Jama, ID No. 820920 6286 089, being the candidate at the top of the party list for the Economic Freedom Fighters (EFF) has been declared elected to Matjhabeng Local Municipality.

Councillor Jama replaces Mohaneloa Sarel Tsoaeli, ID No. 690815 5383 084, who ceased to hold office of Councillor in the municipality:

Sincerely

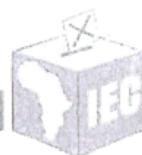
B Heuvel
Manager: Voter Registration and Party Liaison



ELECTORAL COMMISSION

ENSURING FREE AND FAIR ELECTIONS

SOUTH AFRICA



MANDLENKOSI EZEKIEL SENXEZI

55 Block 6 Kutloanong Location Odendaalsrus 9483 | 0606777240/0643692334 |
voveymandla@gmail.com

16/05/2018

MM: Mantua Mahloko
Miss/Mrs
Matjhabeng Municipality
Welkom 9460

Dear MM: Mantua Mahloko:

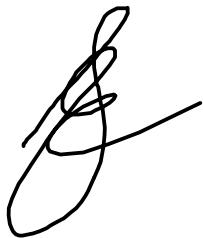
Re: Resignation letter as the PR Councillor

I, the above mentioned Cllr of Economic Freedom Fighters, with the ID number 7212065536 082 serve to inform your respectable authority that as effect from 28 May 2018, will be relinquishing my position as a Cllr.

Hope and this communique and instruction will enable Economic Freedom Fighters as an a revolutionary organization to appoint another person to replace me.

Sincerely,

Mandlenkosi Ezekiel Senxezi



—

MATJHABENG

MUNICIPALITY

UMASIPALA

12 Uranium Avenue
Hospitalpark
Odendaalsrus
9480



MASEPALA

MUNISIPALITEIT

Tel: (057) 916 6666
Sel: (082) 5505 804
Fax: (086) 6608 059
E-mail: styger@absamail.co.za

Councillor André Styger

3 November 2017

The Municipal Manager
MATJHABENG MUNICIPALITY
P. O. Box 708
WELKOM
9460

ATTENTION: Mr. ET Tsoaell
BY HAND

Sir

QUESTIONS OF WHICH NOTICE HAD BEEN GIVEN

In terms of Rule 52 of the standard rules and orders (as amended), you are hereby as Municipal Manager, notified that I intend to ask the undermentioned question during the next council meeting.

Please note that Section 52(3) stipulates that "*the municipal manager must ensure that the question and the answer thereto are included in the agenda for the first ordinary meeting of the council*".

Background

Section 109A of the Municipal Systems Act No.32 of 2000, as amended (the Act) states:

109A. Legal representation for employees or councillors of municipality.—A municipality may, subject to such terms and conditions as it may determine, provide an employee or councillor of the municipality with legal representation where—

- (a) *legal proceedings have been instituted against the employee or councillor as a result of any act or omission by the employee or councillor in the exercise of his or her powers or the performance of his or her duties...*

Council's delegation of powers (page 64 attached hereto as Annexure A) clearly states that this power was NOT delegated by council and only council can decide to provide legal representation to an employee subject to receiving and considering a report and recommendations from the Executive mayor.



- page 2 -

I have noticed and consequently read, a Constitutional Court Law report recently released:

***Matjhabeng Local Municipality v Eskom Holdings Limited a.o. CCT 217/2015 [2017]
ZACC 35 (26 September 2017)***

(Copy of media summary attached as Annexure B)

In essence my interpretation of the matter is that our previous Municipal Manager (Mr Lepheana) was held (personally) in contempt of court by the High Court of South Africa (Free State Division) for not complying with an earlier court order directing him to report to the court the reasons for non-payment of our Eskom account.

Mr Lepheana then appealed against the High Court ruling to the Constitutional Court, from what I can ascertain, without seeking Council's consent or approval as required by Section 109A (and Delegated Powers).

The Constitutional court upheld the appeal but then made a very disturbing comment, and I quote: "*Costs: [106] Although the applicants in both cases are successful, the manner in which the officials concerned dealt with their obligations following their undertakings, vis-à-vis the consent orders, leaves much to be desired. This Court's displeasure should be marked by depriving them, as successful litigants, of their costs in this Court. In the circumstances, it will be just and equitable for each party to pay its own costs.*"

My interpretation of the matter is that Mr. Lepheana not only appealed against a court order (that was made against him personally) without council approval, but also handled the matter so poorly (*the manner in which the officials concerned dealt with their obligations ... leaves much to be desired*) that council must now pay the legal fees and not the losing party, i.e. Eskom.

Questions:

- 1) Giving Mr. Lepheana the benefit of the doubt, please confirm whether or not a council resolution was given or sought, as required by Section 109A of the Act to provide him with legal representation for the contempt of court order against him.
- 2) The total amount of costs (legal fees) to be paid as determined by the Constitutional Court.

I thank you in advance for your assistance.

Yours sincerely,

Cllr. A Styger

Copy to the Speaker of Matjhabeng Municipality:

Received _____

Date _____

102(3)	property with copies of accounts sent to the occupier of the property for municipal services if the owner request so in writing	Council	Municipal Manager	None	Y
103(a)	Obtaining the consent of employees of other employers to deduct any payment of rates or other taxes, or fees for municipal services from the salaries and wages of such employees	Council	Municipal Manager	None	Y
103(b)	Determining special incentives for employers to enter into agreements with the Municipality to deduct any payment of rates or other taxes, or fees for municipal services from the salaries and wages of such employees	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	R
109A	Providing legal representation to an employee or councilor and determine conditions for such legal assistance	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	R
110	Issuing a certificate, to be used in legal proceedings involving the Municipality, that the Municipality used the best known, or the only, or the most practicable and available methods in exercising any of its powers or performing any of its functions	Municipal Manager	None	None	R

**CONSTITUTIONAL COURT OF SOUTH AFRICA****Matjhabeng Local Municipality v Eskom Holdings Limited****Shadrack Shivumba Homu Mkhonto v Compensation Solution (Pty) Limited****CCT 217/15 and CCT 99/16****Date of hearing: 2 March 2017**

MEDIA SUMMARY

The following explanatory note is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.

On 2 March 2017 at 10h00, the Constitutional Court will hear two consolidated applications for leave to appeal against the decisions of the High Court of South Africa, Free State Division, Bloemfontein (Free State High Court) and Supreme Court of Appeal (SCA), respectively. At the centre of both cases, are the procedural and substantive requirements for contempt of court proceedings.

In the matter of *Matjhabeng Local Municipality v Eskom Holdings Limited (Matjhabeng)* a Municipal Manager, Mr Lepheana, was held to be a contempt of court by the Free State High Court following summary proceedings. In the matter of *Shadrack Shivumba Homu Mkhonto v Compensation Solution (Pty) Ltd (Mkhonto)*, the former Commissioner of the Compensation Fund was held to be in contempt of court by the SCA, thus overturning the decision of the High Court of South Africa, Gauteng Division, Pretoria (Pretoria High Court).

The dispute in *Matjhabeng* involves a settlement agreement between the Municipality and Eskom regarding overdue electricity bills which was made an order of the Free State High Court on 28 March 2013. The order regulated the monthly payments by the Municipality to settle the arrears. Due to non-compliance with this order, a second order followed on 31 July 2014. In terms of this order, certain obligations were imposed on the Municipality and Mr Lepheana as Municipal Manager. A third order was granted on

18 September 2014, including a rule nisi calling upon Mr Lepheana, in his official capacity, to file a report setting out any reasons for non-compliance with the second order.

Mr Lepheana filed an explanatory affidavit setting out the various attempts to settle the dispute. He appeared before the Free State High Court and gave oral evidence under oath and was cross-examined. That Court held that Mr Lepheana's non-compliance was wilful and mala fide, or in bad faith. He was held to have been in contempt of court and was committed to prison for six months which was wholly suspended on condition that he comply with the order.

Mr Lepheana was unsuccessful in his application for leave to appeal to both the Free State High Court and the SCA.

Before the Constitutional Court, the Municipality argues that the process followed in the Free State High Court violated all precepts of fairness and justice. It argues that the hearing had all the features of undesirable summary contempt proceedings denying Mr Lepheana the applicable protections in civil contempt proceedings. The Municipality asks the Constitutional Court to grant leave to appeal and set aside the decision of the Free State High Court with costs.

Eskom opposes the application. It argues that the order imposed positive obligations on Mr Lepheana as the Municipal Manager and that the procedure followed, although initiated by a rule nisi, was not summary in effect. Eskom submits that Mr Lepheana's conduct urgently called for measures to "nip it in the bud" as it challenged the court of first instance authority to hand down binding orders. Eskom argues that his conduct constituted consent and waiver to both the procedure and the order. It asks this Court to dismiss the application for leave to appeal with costs.

In the matter of *Mkhonto*, Compensation Solution (CS) initially sought certain declaratory orders and a mandamus against the first respondent, the Compensation Commissioner, the Director General of the Department of Labour and the Minister of Labour. Mr Mkhonto was the Compensation Commissioner (Commissioner) at that time. On 31 July 2009 the Pretoria High Court granted an order (by agreement) following unsuccessful efforts to obtain the outstanding payments in respect of medical accounts submitted to the Commissioner. In that order the Commissioner was specifically directed to process medical accounts submitted to him within a reasonable time from the date of submission and within 75 days in respect of the accepted medical claim.

The Commissioner failed to pay within the stipulated period. Following three action proceedings for separate claims, CS launched two successive contempt proceedings against the Commissioner. Both proceedings were settled upon by the Commissioner's undertaking to pay the amounts due. However, in July 2013, CS was forced to institute another application in the Pretoria High Court seeking orders that the Commissioner was in contempt of the order dated 31 July 2009. In the order by agreement dated 18 February 2014, the parties were directed to meet and, among other things, prepare a

joint report in relation to the line items on which an agreement was reached. The report was to be filed by 31 March 2014.

On 11 November 2014 the Pretoria High Court dismissed the contempt applications by CS because payment of the outstanding claims was made before the hearing. The Court held that the order of 31 July 2009 could not be enforced by means of civil contempt proceedings.

CS successfully sought leave to appeal before the SCA and that Court overturned the decision of the Pretoria High Court and declared the Commissioner to be in contempt of paragraphs 1, 2, 5 and 6 of the order of 31 July 2009, as it went beyond requiring the payment of money. The SCA further held that the Commissioner failed to prove reasonable doubt of his wilfulness and mala fide. Accordingly, the Commissioner was held to be in contempt and was committed to undergo three months' imprisonment suspended for a period of five years on condition that he is not convicted of contempt of court within that period. As of the date of the SCA order, Mr Mkhonto had resigned from that position.

In this Court, Mr Mkhonto and the new Commissioner (applicants) seek leave to appeal against the SCA's decision. They submit that all the monetary claims owed to CS had been resolved, Mr Mkhonto is no longer the Commissioner and that he was unable to comply with the terms of the order as it is at variance with the claim process as prescribed in COIDA. The applicants argue that the undisputed facts showed that there was no wilful disregard of the order or mala fide conduct in executing his statutory duties. They submit that even if the SCA was correct on contempt, committal was neither competent nor appropriate. They ask this Court to condone the delay in filing their application, grant leave to appeal and set aside the decision of the SCA.

CS opposes the application and submits that the requirements for contempt were established and that the presumption of mala fide and wilfulness applied unless Mr Mkhonto adduced evidence that created reasonable doubt. It is argued that he failed to adduce such evidence and that he was given the requisite protection contemplated by section 12 of the Bill of Rights.

ANSWERS TO THE QUESTIONS FROM COUNCILLOR ANDRE STYGER (DA) BROUGHT TO THE ATTENTION OF MUNICIPAL MANAGER IN TERMS OF RULE 52 OF THE STANDARD RULES AND ORDERS (AS AMMENDED)

QUESTION 1

Giving Mr. Lepheana the benefit of the doubt, please confirm whether or not a Council Resolution was given or sought, as required by Section 109A of the Act of provide him with legal representation for the contempt of Court Order against him.

ANSWER

The office of the Municipal Manager liaised with Legal Services, Council Administration and the then Acting Manager in the Office of the Municipal Manager under Mr. Lepheana, to find out if any of these officials know about such a Council Resolution or an endeavor to solicit such a resolution and the answer was "NO".

This Office also perused the Council Resolutions taken between January 2015 and May 2016, the reasonable period during which such a resolution ought to have been taken, but could not find one.

In the premiss, the answer of the Office of the Municipal Manager to the question of the Honourable Councillor is that the records show that no Council Resolution was given nor was there any attempt to solicit such a resolution of the Council.

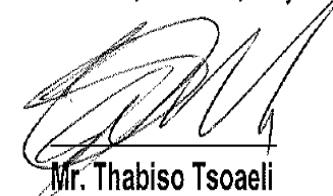
QUESTION 2

The total amount of costs (legal fees) to be paid as determined by the Constitutional Court.

ANSWER

Thus far since the application for Leave to Appeal the High Court judgement the Municipality has paid a total amount of R 1792 579.37

We have since requested the aforementioned attorneys to assist us with the final statement of account, however, they have not assisted us.



Mr. Thabiso Tsoaeli
Municipal Manager



Domitek Building, 8 De Kaap Street, Welkom 9460, Cell : 0786773182 tmmacingwane@gmail.com

OFFICE THE CHIEF WHIP (EFF MATJHABENG)

17 March 2018

The Municipal Manager

ATTENTION: Mr. ET Tsoaeli

MATJHABENG MUNICIPALITY

P. O. Box 708

WELKOM BY HAND

9460

Sir

QUESTIONS OF WHICH NOTICE HAD BEEN GIVEN

In terms of Rule 52 of the standard rules and orders (as amended), you are hereby as Municipal Manager, notified that I intend to ask the under mentioned question during the next council meeting.

Please note that Section 52(3) stipulates that "*the municipal manager must ensure that the question and the answer thereto are included in the agenda for the first ordinary meeting of the council*".

Background

Section 62 of MFMA act 56 of 2003 reads as follows.. (1) the accounting officer of a municipality is responsible for managing the administration of the Municipality, and must for this purpose take all reasonable steps to ensure –

- (a) That the resources of the municipality are used effectively, efficiently and economically
- (b) That full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards
- (c) That the municipality has and maintains effective, efficient and transparent systems—
 - (i) Of financial and risk management and internal control and
 - (ii) Of internal audit operating in accordance with any prescribed norms and standards
- (d) That unauthorized, irregular or fruitless expenditure and wasteful expenditure and other losses are prevented..

Questions:

1. In accordance with the afore mentioned legislature can you kindly advice me and the council why do we have Fezi Auditors and Letsete Be-Hub as part of the Irregular, Fruitless and Wasteful expenditure continuing from the previous financial years.

M.T

2. Could you also confirm if there is any Contract between these two Service providers with the municipality as it is on record that their appointment is "Non-compliant with supply chain management policy.
3. I also wish to know if there are any criminal proceedings against whoever that appointed these services providers as the municipality has lost significant amount of money.

I thank you in advance for your assistance.

Yours sincerely



.....
Thomas Macingwane
Councillor and Chief Whip of EFF
Cell 0786773182
Email tmmacingwane@gmail.com

M.T

MATJHABENG

Municipality
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South Africa



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OFFICE OF THE MUNICIPAL MANAGER

To : Cllr Thomas Macingwane
 From : OFFICE OF THE MUNICIPAL MANAGER
 Mr. Thabiso Tsoaelli
 Date : 10 May 2018

RE-QUESTIONS FOR WHICH NOTICE IS GIVEN

The above matter refers.

To submit responses to council questions posted by the Economic Freedom Fighters, in of Rule 52 of the Standing Rules and Orders.

1. Fezi Auditors and Letsate Be-Hub are indeed listed as irregular expenditure and were disclosed in the annual financial statements 2015/2016 and 2016/2017 financial years respectively because they were appointed without following proper supply chain processes. They are continued to be paid by the municipality because there are currently legally binding contract between the municipality and the two services providers.

1.1 Fezi Auditors; where brought to the municipality as an intervention from COGTA to assist with the internal audit functions. In the next financial year it was agreed with COGTA that Fezi Auditors should assist the municipality with the compilation of the annual financial statement and put system in place to ensure that the municipality get out of the disclaimers.

Fezi Auditors was then contracted to assist the Municipality to compile the Annual Financial Statement and respond to Auditor General's exceptions (Audit queries). Annual Financial statement entails to:

- Compile the Assets Registers;
- To compile the Cash Flow Statements;
- To compile Debtors listing, Supply Chain Reports;
- Yearend procedures (to raise accruals)
- Write offs (irrecoverable debts, absolute assets)
- Actuarial calculations of the Provisions
- Disclosure requirements, etc.
- To respond to exceptions raised by the Office of the Auditor General and subsequently do adjustments of the Financial Statement

This was motivated by the fact that Fezi auditors assisted the municipalities like Moqhaka and Ngwathe to obtain unqualified audit opinions.

Working with Fezi has assisted the municipality in attaining unqualified audit report for 2015/16 and 2016/17 financial years. This arrangement will terminate on the **30th November 2018** as per the service level agreement.

1.2 Letsete Be-Hub: Where appointed to do the screening of section 57 managers in 2015/2016 subsequent to that they were appointed to perform below duties that would assist the municipality in getting out of the disclaimer.

Letsete Be-hub has a human capital management skills and expertise needed by the Municipality to address all human capital and performance management related needs required by the municipality.

The Municipality utilized the skills and expertise of Letsete be-hub to assist in putting human capital management and performance management systems in place to sustain the unqualified audit. This arrangement will terminate on the **30th December 2018** as per the service level agreement.

2. Yes, There are service level agreements between the municipality and the aforementioned service providers.
3. No, there are no criminal proceedings that were instituted against the person who appointed Fezi Auditors and Letsete Hub. The service providers assisted the municipality a great deal in terms of moving from a disclaimers that was there for more than 15 years to an unqualified audit opinion for 2 consecutive years. This is said to be value for money.

I hope you find this in good order

Yours faithfully



Mr. THABISO TSOAELI
MUNICIPAL MANAGER

MATJHABENG

**MUNICIPALITY
UMASIPALA**

31 Pretorius Street

Dagbreek
WELKOM 9459



**MASEPALA
MUNISIPALITEIT**

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E-mail: letlhakethabiso@gmail.com

Councillor T.W Letlhake

13 April 2018

The Municipal Manager
Matjhabeng Local Municipality
PO Box 708
WELKOM 9460

By hand

Dear Mr. Thabiso Tsoaeli,

QUESTIONS IN TERMS OF RULE 52 OF THE STANDARD RULES AND ORDERS OF COUNCIL.

In terms of rule 52 of the Standard Rules and Orders of Council, I would like to ask the following questions at the ordinary meeting next ensuing.

1. How many people were employed by the municipality since January 2018?
2. In which department were they employed?
3. What is their Job description/position employed to and at what post level?
3. How many of these positions are critical positions since it was a council resolution to fill only critical positions till the organogram is finalised and adopted.

Regards,

Cllr Thabiso Letlhake



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OFFICE OF THE MUNICIPAL MANAGER

To : Cllr Letlhake

From : Municipal Manager
Mr Thabiso Tsoaeli

Date : 09 May 2018

RE- QUESTION FOR WHICH NOTICE HAS BEEN GIVEN

Honourable Cllr Letlhake

We hereby acknowledge receipt of your letter dated 13 April 2018.

1. Please find response for Q1 – Q3 in the table below.

1.1 NEW APPOINTMENTS

EMPLOYEE CODE	EMPLOYEE	APPOINTMENT DATE	NEW POSITION	NEW JOB LEVEL	DEPARTMENT	COST CENTRE
150312	MARAI N	1/4/2018	MANAGER	LEVEL 3	ENGINEERING	ENGINEERING PLANNING
150402	THUTHWANE ZA	1/4/2018	MMC SECRETARY	LEVEL 8	MAYOR'S OFFICE	MAYOR'S OFFICE
150394	BOHELO TM	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND

1.2 PROMOTIONS

EMPLOYEE CODE	EMPLOYEE	PROMOTION DATE	NEW POSITION	NEW JOB LEVEL	DEPARTMENT	COST CENTRE
229102	MTHEYEDWA MP	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
229020	PROTUVABANE MM	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
322903	BONERI CG	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
320002	PROSHOBIRS	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
170107	RALIMO LH	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
225051	MQAQDQ G	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
111230	HOFOKENG MK	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
229003	MATSHENG TK	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND

165285	MOLELIKI TS	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
110468	KHOZA BM	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
120010	NKOMO MR	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
110473	LESOLE ME	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
165090	SMITH C.	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
110464	KUMALO KD	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
112344	MOSIMANE NM	1/3/2018	PLUMBER	LEVEL 9	ENGINEERING	WATER DEMAND
150354	MOJANAGA BD	1/4/2018	SRN TECHNICIAN	LEVEL 6	ENGINEERING	PLANNING
150387	HNEGA ME	1/4/2018	SRN TECHNICIAN	LEVEL 6	ENGINEERING	DESIGN (PLANNING AND SURVEY)

4. How many of these positions are critical as per the Council Resolution?

4.1 All these positions are defined as critical and scarce by the Local Government Sector Education and Training Authority: Scarce and Critical Skills Guide 2016; Absolute Scarcity: Paragraph 3 (a), save for the Executive Secretary which falls within the Relative Scarcity in Paragraph 3 (b) of the same Guide.

I hope you will find the response in order.

Yours faithfully



THABISO TSOAELI
MUNICIPAL MANAGER

MATJHABENG

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Raadslid/Councillor PF Botha

9 May 2018

The Municipal Manager
Matjhabeng Local Municipality
PO Box 708
WELKOM 9460

By Hand and e-mail

Dear Mr. Tsoaeli,

QUESTIONS IN TERMS OF RULE 52 OF THE STANDARD RULES AND ORDERS OF COUNCIL: NON PAYMENT OF MEDICAL AID AND PENSION FUND CONTRIBUTIONS

I have been reliably informed that, although the medical aid and pension fund contributions have been deducted from Employees and Councillors' salaries it has not been paid over to the various funds. This very morning I was confronted by a very irate Employee saying that he has received a letter from his pension fund namely the "Vrystaat Municipale Pensioenfonds" saying that his contributions are in arrears by about R10 000. This letter was for contributions up to end March 2018. This means that the problem started some time back.

If something unforeseen should happen to Employees and Councillors, it could result in Employees and Councillors not having medical aid cover or death benefit cover. It also results in investments at pension funds not earning interest which is critical especially for older Employees who intend on retiring soon. It could also leave retirees without an income for months should they retire and the pension fund contributions has not been paid over to the respective pension funds. It is also a criminal offence to deduct contributions from salaries but not pay it over.

In terms of the Standard Rules and Orders of Council, to wit, Rule 52 I would like to ask the following questions at the following Council meeting next ensuing:-

1. Have all medical aid and pension fund contributions deducted from the salaries of Employees and Councillors in this financial year been paid over to the various medical aid companies and pension funds?
2. If the answer in question 1 above is "no" then please provide reasons why it has not been paid over.

3. Please provide a proper spreadsheet spelling out per medical aid and pension fund the outstanding amount to that specific medical aid or pension fund.
4. When will it be made good?
5. Has any disciplinary action been taken against the responsible officials? If no, why not? If so what action has been taken? [proof must be supplied]

Regards,
(Sent Electronically without Signature)

Cllr PF Botha

**CC The Speaker, Cllr Bheke Stofile
The Executive Director Corporate Services – Mr. Fezile Wettes**

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OFFICE OF THE MUNICIPAL MANAGER

To : Cllr Botha

From : Municipal Manager
Mr Thabiso Tsoaeli

Date : 23rd May 2018

QUESTIONS IN TERMS OF RULE 52 OF THE STANDARD RULES AND ORDERS OF COUNCIL: NON PAYMENT OF MEDICAL AID AND PENSION FUND CONTRIBUTIONS

In terms of the Standard Rules and Orders of Council, to wit, Rule 52 I would like to ask the following questions at the following Council meeting next ensuing:-

1. Have all medical aid and pension fund contributions deducted from the salaries of Employees and Councillors in this financial year been paid over to the various medical aid companies and pension funds?

Yes, the contributions has been deducted from employees and councillors on a monthly basis. The Medical Aids has been paid over to the companies in full and the pension funds has been partly paid since the month of March 2018 due to fact that Creditors attached the municipal account and thus had to pay an amount of R15 000 000,00.

2. If the answer in question 1 above is "no" then please provide reasons why it has not been paid over.

2.1 The Municipality is currently experiencing cash flow challenges which is currently resulting to non-payments and late payments of its Third Parties and salaries accordingly.

2.2 As a result of a Council resolution (SA 03/2018 and SA 04/2018) which states that for every collection that takes place in a month, the priority of allocation of payments must firstly be to ESKOM, second payment to Sedibeng then thirdly to salaries and third parties then matters that relate to service delivery and other Creditors.

2.3 During the month of March the Municipal account was attached by other Creditors and thus had to pay an amount of R15 million which was not within the Municipal plan as far as the cash flow is concerned. This is one of the matters that left cash flow challenges and shortages on payments of Third Parties.

3. Please provide a proper spreadsheet spelling out per medical aid and pension fund the outstanding amount to that specific medical aid or pension fund.

3.1 Medical Aids : R 0.00 (**It's Up to date**)

SAMCONT	SAMWUMED CONTINUED MEDICA	.
	SAMWUMED TOTAL	.
A-IY	LA HEALTH MEDICAL SCHEME	.
	LA HEALTH TOTAL	.
	TOTAL MED AIDS	.

3.2 Pensions : R 12 976 928,70

PENSION MARCH-APRIL 2018

A-H1	FS PENSION FUND	R 1 385 192,66
A-H2	SALA PENSION FUND	R 1 093 544,43
A-H4	FS PROVIDENT FUND	R 0,00
A-H5	MWRF	R 5 749 107,55
A-HA	NFMW	R 3 065 198,60
	MUNICIPAL EMPLOYEES PENSION FUND	
A-HD		R 0,00
A-HH	CONSOLIDATED RETIREMENT FUND	R 0,00
	TOTAL PENSION	R 12 976 928,70

4. When will it be made good?

For the month of March 2018, April 2018, May 2018 and June 2018, partial payments will be made to reduce outstanding amounts. Full payments will be done by the month of July 2018 which will settle all the balances as per arrangements and agreements made with the Pension Fund account Holders

5. Has any disciplinary action been taken against the responsible officials? If no, why not? If so what action has been taken? [proof must be supplied]

No there is no disciplinary action that has been taken

Hope you find this in good order

Yours faithfully,



Mr. THABISO TSOAELI
MUNICIPAL MANAGER

MATJHABENG

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Councillor M J Badenhorst

May 7, 2018

The Municipal Manager
Matjhabeng Local Municipality
P.O.Box 708
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9460



Dear Mr. Tsoaeli by: email and hand

QUESTIONS OF WHICH NOTICE HAVE BEEN GIVEN : ROAD INFRASTRUCTURE AND TENNIS COURTS VENTERSBURG

In terms of the Standing Rules and Orders of Council, rule 52, I intend to ask the following questions at the Ordinary Meeting of Council next ensuing.

BACKGROUND

On 27 November 2012 Council, in resolution A83/2012, which was corrected during the meeting of 29 January 2013, resolved:

1. That the draft By-Law as per page 40, bullet 2, BE TABLED at the next Ordinary Council sitting.
2. That Traffic officers BE ASSIGNED to Ventersburg on a permanent basis to control the movement of trucks in town and thereby preventing further damage to infrastructure.
3. That sufficient and adequate signage BE ERECTED in accordance with which Traffic Officers would be able to enforce the Law by preventing drivers of heavy duty vehicles to enter/overnight in residential areas and also to enforce the use of the Truck Stop.
4. That the Ward Councillor of Ward 1 ARRANGES monthly PLC meetings where stakeholders are present to keep the community informed.
5. That the income derived from the sale of the Sports Grounds to SANRAL BE RINGFENCED for the repair of infrastructure in Ventersburg as well as the relocation of the sport facilities.



Matjhabeng Local Municipality - Accelerated Service Delivery in Action!

- Further to this resolution on 31 March 2015 Council, in resolution A32/2015 resolved:

- That the alienation of the Municipal owned land portions to SANRAL, which were required for the re-layout and upgrading of the N1 road through Ventersburg as depicted in the report of the Valuer as enclosed on 158 to 207 of the annexures, BE APPROVED to the total value of R2 730 636.
- That the Municipal Manager BE AUTHORISED to finalize the land sale transaction with SANRAL.
- That the principle BE SUPPORTED that the income derived from the selling of the land required for the re-layout of the N1 by SANRAL, BE ALLOCATED in the Budget towards the following aspects of the project:
 - Construction of the tennis courts
 - Re-building of the most critical damaged roads in Ventersburg
- That the Task Team SUPPORT SANRAL in the completion of all outstanding aspects of the project as contemplated in Par. 2.2.9 of the report.

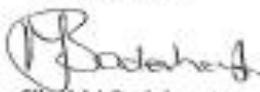
Heavy duty vehicles are still parking in town, using the Scholtz street entrance from the N1 into town, if coming from the North, or Voortrekker street if coming from the South. On a daily basis U-turns are made at the intersection of Voortrekker and Bayford street causing extensive damage to the roads. The road surface at the bottom of Bayford street, next to the N1 Lodge as well as at the exit out of town in Voortrekker street are badly damaged and need urgent attention.

The tennis courts that was demolished for the building of the truck stop has still not been rebuilt as well as the sports grounds for the use by the Ventersburg Intermediate school as was promised to the community and resolved by Council.

QUESTIONS

- When was the approved amount of R 2 730 636 for the sale of the sports grounds paid to the Municipality by SANRAL?
- If this money was ringfenced and set aside as per both resolutions:
 - Have tenders been requested for the building of the tennis courts and if not why was it not done?
 - What plans are there to provide new sport facilities for the school children of the Ventersburg intermediate school?
 - When will the damaged road infrastructure in town be attended to?
- What measures have been taken and will be taken in future to prevent heavy duty vehicles from damaging the town's infrastructure?
- If the money is no longer available, what was it used for and why was the resolution not adhered to?

Yours faithfully


Cllr. M J Badehorst



Matjhabeng Local Municipality – Accelerated Service Delivery in Action!

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OFFICE OF THE MUNICIPAL MANAGER

To : Cllr MJ Badenhorst
From : OFFICE OF THE MUNICIPAL MAINAGER
Mr. Thabiso Tsoaelli

Date : 23rd May 2018

RE-QUESTIONS OF WHICH NOTICE HAD BEEN GIVEN

The above matter refers.

We acknowledge receipt of your letter dated 7th May 2018

To submit responses to council questions posted by Democratic Alliance, in of Rule 52 of the Standing Rules and Orders.

1. When was the approved amount of R 2 730 636 for the sale of the sports ground paid to the municipality by SANRAL?
 - a) On the 2nd of March 2016 SANRAL made a payment of R 1 651 840.00 to the Matjhabeng Municipality and on the 30th of March 2016 SANRAL made a payment of R 1 080 635.75 to Conveyancing Attorney Dada & Associates.
2. If this money was ring-fenced and set aside as per both resolutions: (a) have tenders been requested for the building of the tennis courts and if not why it was not done (b) what plans are there to provide new sport facilities for the school children of the Ventersburg Intermediate school? (c) When will the damaged road infrastructure in town be attended to?
 - (a) It will be included in the 2018/2019 financial year and the procurement processes will take place.
 - (b) A site for the relocation of the sports facilities was identified by the steering Committee. Further implementation plan, budget and layout planning of the intended facilities by Community Services are awaited.
 - (c) The damaged roads will be fixed because the Municipality appointed 3 companies to fix roads and potholes in and around Matjhabeng Municipality.
3. What measures have been taken and will be taken in future to prevent heavy duty vehicles from damaging the town's infrastructure?
 - a) The Law enforcement Unit will develop measures and a plan to manage truck movement in town with immediate effect.

4. If the money is no longer available, what was it used for and why was the resolution not adhered to?

- (a) The money is still available at an amount of R1.8 million, the Matjhabeng Local Municipality will have to raise R1080 635.75 million to augment the amount that was paid by SANRAL in the new Financial Year.

I hope you find this in good order

Yours faithfully



Mr. THABISO TSOAELI
MUNICIPAL MANAGER

MATJHABENG

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Councillor M J Badenhorst

May 7, 2018

The Municipal Manager
Matjhabeng Local Municipality
P.O.Box 708
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Dear Mr. Tsoaeli by: email and hand

**QUESTIONS OF WHICH NOTICE HAVE BEEN GIVEN : FIRE STATIONS – VIRGINIA,
HENNENMAN AND VENTERSBURG**

In terms of the Standing Rules and Orders of Council, rule 52, I intend to ask the following questions at the Ordinary Meeting of Council next ensuing.

BACKGROUND

During a CPF meeting in Hennenman on the 14 February 2018 the situation at the fire stations in Hennenman and Ventersburg were discussed.

After some investigation it was determined that the Hennenman Fire Station was closed down, apparently by the Department of Labor.

According to Mafomo Construction's Website a fully functional satellite station equipped with 3 Fire Trucks, 3 Emergency Vehicles, Gym, Auditorium and Offices were build over a period of 15 months at a cost of R14 320 092.00 and completed in 2014. This fire station is standing empty with only a guard on duty.

On a visit to the Virginia station it was found that there is only 1 fire engine available which is suppose to service Virginia, Hennenman and Ventersburg. The building is in a bad shape, there are no ceilings and almost no lights. The telephones were also not working.



QUESTIONS

1. Why was the fire station in Hennenman closed and personnel moved to Virginia and Welkom?
2. How many personnel are currently employed at each of the Fire Stations in Virginia, Hennenman and Ventersburg and what are their positions?
3. How many fire engines and emergency vehicles are currently available to service Virginia, Ventersburg and Hennenman?
4. How many personnel are currently employed at each of the Fire Stations in Welkom, Odendaalsrus and Allanridge and what are their positions?
5. How many fire engines and emergency vehicles are currently available to service Welkom, Odendaalsrus and Allanridge?
6. Why was the fire station in Ventersburg never put into service after completion and where are the 3 fire trucks and 3 emergency vehicles mentioned by Mofomo Construction which the Fire Station was equipped with?

Yours faithfully



Cllr. M J Badehorst



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OFFICE OF THE MUNICIPAL MANAGER

To : Cllr MJ Badenhorst
From : OFFICE OF THE MUNICIPAL MANAGER
Mr. Thabiso Tsoseli

Date : 23rd May 2018

RE-QUESTIONS OF WHICH NOTICE HAD BEEN GIVEN

The above matter refers.

We acknowledge receipt of your letter dated 7th May 2018

To submit responses to council questions posted by Democratic Alliance, in of Rule 52 of the Standing Rules and Orders.

1. Why was the fire station in Hennenman closed and personnel moved to Virginia and Welkom?
 - a) The Hennenman building was on dilapidated state and it was declare to be unsafe for the employees or Fire fighters working in that unit. The fire station had no facilities such as fire engines and other emergency vehicles to render service, and both telephone lines of Hennenman fire station were converted to Virginia fire station to still render the service needed by the community members in reporting all the incidents. There were fire fighters coming from Virginia and Welkom whom they were instructed to report to the nearest fire station and the fire fighters living at Phomolong and living at Hennenman are reporting to the nearest fire station which is Virginia.
2. How many personnel are currently employed at each of the fire station in Virginia, Hennenman and Ventersburg and what are their positions?
 - a) Virginia fire station consists of twenty fire personnel which is break down into 4 supervisors and 16 fire fighters and working 4 shift system, which gives you 5 personnel per shift.
3. How many fire engines and emergency vehicles are currently available to service Virginia, Ventersburg and Hennenman?
 - a) Only 1 fire engine is currently available to service Virginia, Melodeng, Ventersburg, Mmamahabane, Hennenman and Phomolong areas.
4. How many personnel are currently employed at each of the fire stations in Welkom, Odendaalsrus and Allanridge and what are their positions?

- a) Welkom fire station consists of twenty fire personnel which break down is 4 supervisors and 16 fire fighters and working 4 shift system, which gives you 5 personnel per shift. Odendaalsrus fire station consists of 16 fire personnel which break down is 4 supervisors and 12 fire fighters and working 4 shift system, which gives you 4 personnel per shift. No fire station is been established for Allanridge and Nyakallong as yet, they depending to receive service from Odendaalsrus.
5. How many fire engines and emergency vehicles are currently available to service Welkom, Odendaalsrus and Allanridge?
 - a) Only 1 fire engine is currently available to service Welkom, Thabong, Riemvlei/Hani Park, Riebeekstad, Odendaalsrus, Kuthwanong, Allanridge, and Nyakallong areas.
6. Why the fire station in Ventersburg was never put into service after completion and where are the 3 fire trucks and 3 emergency vehicles mentioned by Mofomo Construction which the fire station equipped with?
 - a) Mofomo Construction did not supply the Municipality with 3 Fire Trucks and 3 Emergency Vehicles, they meant to say that the Mmabane Fire Station would accommodate 3 Fire Trucks and 3 Emergency Vehicles. See the attached letter from Mofomo Construction for ease of reference.

I hope you find this in good order

Yours faithfully



Mr. THABISO TSOAELI
MUNICIPAL MANAGER

MATJHABENG LOCAL MUNICIPALITY

REPORT OF THE INVESTIGATION OF FRUITLESS & WASTEFULL EXPENDITURE



CONFIDENTIAL

**MPAC REPORT ON INVESTIGATION OF FRUITLESS AND WASTEFUL
EXPENDITURE**

This report contains 9 pages

MARCH 2018

MATJHABENG LOCAL MUNICIPALITY**REPORT OF THE INVESTIGATION OF FRUITLESS AND WASTEFUL EXPENDITURE**

The Speaker
Matjhabeng Local Municipality
319 Stateway
Welkom
9460

30 March 2018

Dear Cllr B. Stofle

**RE: REPORT ON INVESTIGATION OF FRUITLESS AND WASTEFUL EXPENDITURE
FOR PERIOD ENDED 30 MARCH 2018**

In accordance with the requirements of Sec 32 of the MFMA, we are herein submitting our report on the investigation of Fruitless and Wasteful Expenditure for Matjhabeng Local Municipality (hereinafter referred to as the "MLM").

The attached report outlines the results of our investigation. The attached report has been set out in as follows:

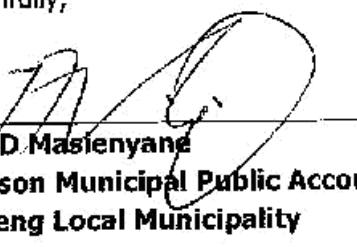
Annexure A- the detailed Fruitless and Wasteful expenditure registers.

Annexure B- Minutes of our meetings

We would like to express our appreciation to the Acting Municipal Manager and Members of staff who have assisted us in carrying out our investigations.

Our report has been prepared for your information, and members of Council in order to make a decision in terms of Sec 32 of Municipal Finance Management Act. This report should not be placed at the disposal of third parties without our written approval.

Yours faithfully,


CLLR. M.D. Masienyane
Chairperson Municipal Public Accounts Committee
Matjhabeng Local Municipality

MATJHABENG LOCAL MUNICIPALITY**REPORT OF THE INVESTIGATION OF FRUITLESS AND WASTEFUL EXPENDITURE****DISTRIBUTION LIST**

This report is distributed to the following;

Name Designation	For Action	Secure Action
Council: Matjhabeng Local Municipality	X	
Executive Mayor: Matjhabeng Local Municipality	X	
Acting Municipal Manager: Matjhabeng Local Municipality		X
Acting Chief Financial Officer: Matjhabeng Local Municipality		X

MATHJABENG LOCAL MUNICIPALITY

REPORT OF THE INVESTIGATION OF FRUITLESS AND WASTEFUL EXPENDITURE

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MATHJABENG LOCAL MUNICIPALITY**REPORT OF THE INVESTIGATION OF FRUITLESS AND WASTEFUL EXPENDITURE****1. Introduction and Legislative requirement**

In terms of section 4(2)(a) of the Municipal Systems Act (MSA) the council has a duty to use the resources of the municipality in the best interest of the local community. This duty is extended to individual Councillors through the Code of Conduct for Councillors which states that a Councilor must:

- i. "perform the functions of office in good faith, honestly and in a transparent manner, and
- ii. at all times act in the best interests of the community and in such a way that the credibility and integrity of the municipality are not compromised."

Municipalities need to do all they can to prevent prohibited expenditures. The Accounting Officer also needs to ensure that the municipality has proper processes in place to record and manage prohibited expenditures, should they occur. Therefore, as part of complying with section 62(1)(d) of the MFMA, the Accounting Officer has through his delegates compiled and maintained a Register of Fruitless and Wasteful Expenditures in terms of MFMA and Circular 68 of MFMA.

2. Purpose

All instances of unauthorised, irregular, fruitless and wasteful expenditures must be reported to the Mayor, the MEC for local government in the province, the Auditor-General, disclosed in the annual report, and to council as required by section 32(4) and 74 of the MFMA.

Council should follow section 32(2)(b) of the MFMA when dealing with instances of fruitless and wasteful expenditure. The processes to respond appropriately to fruitless and wasteful expenditure are similar to the following three processes outlined for irregular expenditure:

- (i) *disciplinary charges* against officials and political office bearers;
- (ii) *criminal charges* against officials and political office-bearers; and
- (iii) *recovery* of the fruitless and wasteful expenditure from the liable persons

The purpose of this report in conjunction with the Fruitless and Wasteful Register compiled is to inform council of issues and results identified during the course of the investigation and recommendations there-of.

3. Objectives

To report to council the findings and recommendations of Section 32 Committee regarding the Investigation of Fruitless and Wasteful expenditures.

4. Scope of the Investigation

In performing the investigations, the Committee considered *ALL* expenditures that are identified to be Fruitless and Wasteful and included on the Registers compiled by management.

MATHJABENG LOCAL MUNICIPALITY**REPORT OF THE INVESTIGATION OF FRUITLESS AND WASTEFUL EXPENDITURE****5. Definition of Fruitless and Wasteful Expenditure**

The *Municipal Finance Management Act No.56 of 2003* under paragraph 1 defines;

fruitless and wasteful expenditure" means expenditure that was made in vain and would have been avoided had reasonable care been exercised.

(1) The following are examples of fruitless and wasteful expenditure:

- Expenditure due to negligence, e.g. cancellation fees incurred for missing a flight or claims for damages to vehicles of road-users due to potholes.
- Interest on overdue accounts, e.g. Eskom
- Penalties Paid e.g. Incorrect PAYE or VAT calculations resulting in penalties payable from SARS
- Procuring of goods and services that are not beneficial to the municipality
- Costs of goods and services are in excess of what would have been the case have proper procedures been followed (quotes etc.)
- Renting of property when sufficient and appropriate unoccupied property is owned by the entity
- Exuberant costs on parties, entertainment, subsistence and travel etc.
- Back Pay as a result of unfair dismissal or suspensions.

Fruitless and Wasteful expenditure is expenditure that was made in vain and could have been avoided had reasonable care been exercised. This type of expenditure is incurred where no value for money is received for expenditure or the use of resources.

6. Municipal Public Accounts Committee composition

The following members were involved in the investigation process:

- Cllr MD Masienyane – Chairperson
- Cllr PF Botha
- Cllr J Marais
- Cllr TJ Mosia
- Cllr Molefi
- Cllr M Tsupa (The Late)
- Cllr E Nqeobo
- Cllr Sinxezi
- Cllr D Mafa

7. Executive Summary and Breakdown – Fruitless and Wasteful Expenditure

The debt incurred in the form of interest/penalties, occurred as a result of the municipality's financial position, cash flow constraints and not as a result of negligence or any unlawful act on the part of any individual(s). After investigation the Committee came to the conclusion that both fruitless and wasteful expenditures below resulted due to cash flow challenges and not any form of negligence by the Administration. Reports on remedial actions compiled by Executive Directors were submitted to the Committee.

Financial Year	2016/2017	TOTAL	MPAC Remarks
Total 2016/17 Reported Balance of W&F Expenditure	220,861,454.37	220,861,454.37	
Interest and penalties on overdue accounts	55,854,384.61	55,854,384.61	<ul style="list-style-type: none"> • The municipality has incurred significant interest on overdue supplier accounts mainly due to cash and budgetary constraints; • Although fruitless, the interest incurred is unavoidable and no official has been identified as liable for recovery of such expenditure
Other Avoidable expenditure (Apparent Commercial Water Distribution Losses)	34,090,140.00	34,090,140.00	<ul style="list-style-type: none"> • The Municipal Public Accounts Committee noted that the water distribution losses were due to water leakages and no official has been identified as liable for recovery of such expenditure thus the total amount of R34,090,140.00 be recommended for write-off to council.
Balance Written off by Council	130,916,929.76	130,916,929.76	<ul style="list-style-type: none"> • Council certified an amount of R130,916,929.76 for the period 1 July 2016-30 April 2017 during the 30th of August 2017 council sitting.
Balance investigated by MPAC	89,944,524.61	89,944,524.61	<ul style="list-style-type: none"> • The Municipal Public Accounts Committee recommends council to write-off R89,944,524.61 as it is irrecoverable.

MATJHABENG LOCAL MUNICIPALITY

REPORT OF THE INVESTIGATION OF IRREGULAR EXPENDITURE



CONFIDENTIAL

MPAC REPORT ON INVESTIGATION OF IRREGULAR EXPENDITURE

This report contains 8 pages

MARCH 2018

MATJHABENG LOCAL MUNICIPALITY**REPORT OF THE INVESTIGATION OF IRREGULAR EXPENDITURE**

The Speaker
Matjhabeng Local Municipality
319 Stateway
Welkom
9460

30 March 2018

Dear Cllr B. Stofile

**RE: REPORT ON INVESTIGATION OF IRREGULAR EXPENDITURE FOR PERIOD
ENDED 30 JUNE 2017**

In accordance with the requirements of Sec 32 of the MFMA, we are herein in submitting our report on the investigation of Irregular Expenditure for Matjhabeng Local Municipality (hereinafter referred to as the "MLM").

The attached report outlines the results of our investigation. The attached report has been set out in as follows:

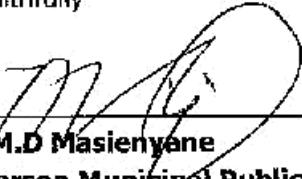
Annexure A - Summary and the detailed irregular expenditure registers

Annexure B- Minutes of our meetings

We would like to express our appreciation to the Municipal Manager and members of staff who have assisted us in carrying out our investigations.

Our report has been prepared for your information, and members of Council in order to make a decision in terms of Sec 32 of MFMA. This report should not be placed at the disposal of third parties without our written approval.

Yours faithfully



CLLR. M.D Masienyane
Chairperson Municipal Public Accounts Committee
Matjhabeng Local Municipality

MATJHABENG LOCAL MUNICIPALITY**REPORT OF THE INVESTIGATION OF IRREGULAR EXPENDITURE****DISTRIBUTION LIST**

This report is distributed to the following members of management;

Name Designation	For Action	Secure Action
Council: Matjhabeng Local Municipality	X	
Executive Mayor: Matjhabeng Local Municipality	X	
Acting Municipal Manager: Matjhabeng Local Municipality		X
Acting Chief Financial Officer: Matjhabeng Local Municipality		X

MATJHABENG LOCAL MUNICIPALITY

REPORT OF THE INVESTIGATION OF IRREGULAR EXPENDITURE

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7	Executive Summary and Breakdown – Irregular Expenditure	7
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MATJHABENG LOCAL MUNICIPALITY**REPORT OF THE INVESTIGATION OF IRREGULAR EXPENDITURE****1 Introduction and Background**

In terms of section 4(2)(a) of the Municipal Systems Act (MSA), the council has a duty to use the resources of the municipality in the best interest of the local community. This duty is extended to individual Councilors through the Code of Conduct for Councilors which states that a Councilor must:

- i. "perform the functions of office in good faith, honestly and in a transparent manner, and
- ii. at all times act in the best interests of the community and in such a way that the credibility and integrity of the municipality are not compromised."

Municipalities need to do all they can to prevent prohibited expenditures. The Accounting Officer also needs to ensure that the municipality has proper processes in place to record and manage prohibited expenditures, should they occur. Therefore, as part of complying with section 62(1)(d) of the MFMA, the Accounting Officer through his delegates has compiled and maintained a Register of Irregular Expenditures.

2 Purpose

All instances of unauthorised, irregular, fruitless and wasteful expenditures must be reported to the mayor, the MEC for local government in the province, the Auditor-General, disclosed in the annual report, and to council as required by section 32(4) and 74 of the MFMA.

In terms of section 32(2)(b) irregular expenditure may only be written-off by Council if, after an investigation by a council committee, the irregular expenditure is certified as irrecoverable. In other words writing-off is not a primary response, it is subordinate to the recovery processes, and may only take place if the irregular expenditure is certified by Council as irrecoverable, based on the findings of an investigation.

3 Objectives

To report to council, the findings and recommendations of Municipal Public Accounts Committee regarding the Investigation of irregular expenditures.

4 Scope of the Project

In performing the investigations, the Committee investigated *ALL* expenditure that is identified to be irregular expenditure and included on the register and reported on the annual financial statements.

MATJHABENG LOCAL MUNICIPALITY**REPORT OF THE INVESTIGATION OF IRREGULAR EXPENDITURE****5 Definition of Irregular Expenditure**

The *Municipal Finance Management Act No.56 of 2003* under paragraph 1 defines;

"Irregular expenditure ", in relation to a municipality or municipal entity, as-

- a) Expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of this Act, and which has not been condoned in terms of section 170;
- b) Expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of Municipal Systems Act, and which has not been condoned in terms of the MFMA;
- c) Expenditure incurred by a municipality in contravention of, or that is not in accordance with, a requirement of the Public Office- Bearers Act 1998 (Act no.20 of 1998); or
- d) Expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management policy of the municipality or entity or any of the municipality's by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law.

But excludes expenditure by a municipality which falls within the definition of "unauthorised expenditure"

6 Municipal Public Accounts Committee composition

- Cllr MD Masienyane – Chairperson
- Cllr PF Botha
- Cllr J Marais
- Cllr TJ Mosia
- Cllr Molefi
- Cllr M Tsupa (The Late)
- Cllr E Nqeobo
- Cllr Sinxezi
- Cllr D Mafa

7 Executive Summary and Breakdown – Irregular Expenditure

FINANCIAL YEAR	TOTAL PER REGISTER SUBMITTED	Non-compliance with the Supply Chain Management Policy	Non-compliance with Remuneration of Office Bearers' Act	Unspent Grants	Investigated	Remainder	Balance Presented/Submitted to be Investigated by Municipal Public Accounts Committee	Remaining Balance Pending Investigation
2016/2017	167,088,689.08	162,637,877.08	4,450,812.00	-	155,872,961.12	The municipality did not suffer any financial loss, the employees acted in good faith and value for money was derived. Measures are to be put in place to prevent recurrence. Thus, recommended for write off.	167,088,689.08	11,215,727.96
TOTAL	167,088,689.08	162,637,877.08	4,450,812.00	-	155,872,961.12		167,088,689.08	11,215,727.96

Please refer to attached detailed Irregular Expenditure Register.

For the financial years 2016/17 the irregular expenditure due to non-compliance with SCM Policy is as follows:

	Break Down of Irregular Expenditure	Applicable Framework	2016/17		2015/16	
			Current year Expenditure (Incl VAT)	Current year Expenditure (Excl VAT)	Current year Expenditure (Incl VAT)	Current year Expenditure (Excl VAT)
1	Deviation not in terms of the requirements of SCM Policy	Matjhabeng Local Municipality Supply Chain Management Policy.	26,637,356.51	24,954,972.60	-	-
2	Invalid 7-day Bidding, normal supply chain processes not followed.	Matjhabeng Local Municipality Supply Chain Management Policy.	5,612,266.26	5,323,209.16	-	-

MATJHABENG LOCAL MUNICIPALITY**REPORT OF THE INVESTIGATION OF IRREGULAR EXPENDITURE**

3	Invalid Regulation 32 Appointment	Matjhabeng Local Municipality Supply Chain Management Policy.	27,301,706.32	23,948,865.19	-	-
4	No evidence of competitive bidding in appointing the award	Matjhabeng Local Municipality Supply Chain Management Policy.	12,271,336.88	11,026,021.86	-	-
5	Bid committees not composed as per policy	Matjhabeng Local Municipality Supply Chain Management Policy.	52,705,629.65	46,607,257.16	-	-
6	Contract expired, service provider operating on a month to month basis	Matjhabeng Local Municipality Supply Chain Management Policy.	42,030,712.16	36,888,572.08	-	-
7	General preconditions for consideration of written quotations or bids	Matjhabeng Local Municipality Supply Chain Management Policy.	15,761,770.93	14,004,681.48	-	-
8	Councillors' Remuneration exceeded gazetted Upper Limits	Non-compliance with Remuneration of Office Bearers' Act	4,450,812.00	4,450,812.00	-	-
	Total Irregular Expenditure		186,771,590.71	167,204,391.53	-	-

MATJHABENG LOCAL MUNICIPALITY**REPORT OF THE INVESTIGATION OF IRREGULAR EXPENDITURE****8 Overall Conclusion****8.1 Municipal Public Accounts Committee recommendations:**

- (a) That Council takes note of the Municipal Public Accounts Committee report;
- (b) That Council certifies an amount of **R155,872,961.12 for the period 1 July 2016-30 June 2017** detailed below as irrecoverable and be written-off;
- (c) That the appropriate disclosure note be made to the financial statements for the year ending 30 June 2018;
- (d) That the Accounting Officer must establish controls to detect and prevent these types of expenditures and on a quarterly basis submit a SCM report for consideration to Council;
- (e) 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.



Ref/Verw/Tshupo	: HUMAN SETTLEMENTS
Enquiries/Navrae/Dipatlisiso	: Me. Carol Tlali
Telephone/Mohala	: 051 4033917
Email	: carol@fshs.gov.za

The Acting Municipal Manager: Mr Tsoaeli
 Matjhabeng Local Municipality
 PO Box 708
WELKOM
 9460

Dear Sir

COUNCIL ADOPTION OF THE RESETTLEMENT PLAN

The Free State Department of Human Settlements (FHS) in collaboration with the Housing Development Agency (HDA) recently completed Resettlement Plans for selected informal settlements in your municipality. In a drive to ensure implementation of the plan, the FHS and the HDA would appreciate that this matter be afforded the due attention and an opportunity be granted to present at the next council sitting for adoption and resolution.

A Municipal Informal Settlement Resettlement Plan (RP) provides guidance on processes to be followed for the relocation of the identified informal settlements as well as the post-relocation processes.

The overall outputs of a Resettlement Plan are:

- Confirmation of areas earmarked for relocation and preparations for relocation;
- Relocation implementation plan and;
- Post relocation approach towards preventing land re-invasion.

The adoption and consequent council resolution will benefit the Municipality in implementing relocation of selected of informal settlements in a structured manner with approved budget.

For purposes of coordination, kindly contact the following officials:

1. Ms. Carol Tlali (Chief Director: Human Settlements Development Planning)
 051 4033917
carol@fshs.gov.za / delene@fshs.gov.za
2. Ms. Lieketseng Mapane (Housing Development Agency)
 051 4090220
Lieketseng.Mapane@thehda.co.za

Yours faithfully,

Mr. N. Mokhesi
HEAD OF DEPARTMENT
 Date: 28 June 2017



REQUEST FOR COMMENTS: DISPOSAL OF COMMUNITY FACILITY SITES – MAY 2018

KUTLOANONG

NO	SITE NO	SIZE	ZONING	MARKET RELATED VALUE	MUNICIPAL ROLL VALUE	WARD NO	OCCUPANT/ OWNER	AVAILABILITY OF WATER SERVICES	AVAILABILITY OF ELECTRICAL SERVICES
1.	22	264							
2.	231	361	Community Facility				OCCUPIED		
3.	239	298							
4.	431	1261.5 Ha	Community facility						
5.	437	1059.94 Ha	Agricultural farm						
6.	955								
7.	1091	884	Community Facility				OCCUPIED		
8.	1305	2109	Community Facility						
9.	1306	1224	Community Facility				OCCUPIED		
10.	1309	1224	Community Facility						
11.	1309	3285	Community Facility				OCCUPIED		
12.	2192	3164	Community Facility						
13.	2298	7498	Community facility			17	OCCUPIED		
14.	2598	1665	Community Facility						
15.	2599	2764	Community Facility						
16.	2601	1231	Community Facility				OCCUPIED		
17.	2602	1056	Community Facility				OCCUPIED		
18.	2603	1290	Community Facility						
19.	2604	1476	Community Facility						
20.	4068	3404	Community Facility						

21.	4093	2576	Community Facility							
22.	4101	485								
23.	4389	1189	Community Facility							
24.	4691	2675	Community Facility							
25.	4988		Community Facility				OCCUPIED	Water and Sanitation available. Connection service will be for the account of the developer		
26.	5349	1914	Community Facility							
27.	5350	3459	Community Facility							
28.	5422	1579	Community Facility				OCCUPIED			
29.	5784	1991	Community Facility							
30.	6081	2765	Community Facility				OCCUPIED			
31.	6248	1581	Community Facility							
32.	6276	1985	Community Facility				OCCUPIED			
33.	6280	2083	Community Facility							
34.	6294	2770	Community Facility				OCCUPIED			
35.	6619	560	Community Facility				OCCUPIED			
36.	6620	3337	Public open space				OCCUPIED			
37.	6679	1981	Community Facility				OCCUPIED			
38.	6812	3285	Community Facility				OCCUPIED			
39.	7023	382								
40.	7104									
41.	7166	1910	Community Facility				OCCUPIED			

42.	7167	2443	Community Facility						
43.	7274	1587	Community Facility						
44.	7372	1901	Community Facility						
45.	7373 k9	1446	Community Facility				OCCUPIED		
46.	7554	2472	Community Facility						
47.	7639	1518	Community Facility						
48.	7838	3183	Community Facility				OCCUPIED		
49.	7934	2476	Community Facility				OCCUPIED		
50.	8220	2692	Community Facility						
51.	8624	1467	Community Facility						
52.	8650	3579	Community Facility						
53.	8668	338					OCCUPIED		
54.	8823	2231	Community Facility						
55.	8908	2769	Community Facility						
56.	8939	3841	Community Facility						
57.	9133	1948	Community Facility			17	OCCUPIED		
58.	9373	2149	Community Facility						
59.	9399	1515	Community Facility						
60.	9417								
61.	9418								
62.	9732	8722	Public open Space			22	OCCUPIED		
63.	9738								
64.	9745	7943	Community Facility				OCCUPIED		

65.	9762	4266	Community Facility						
66.	9773								
67.	9872								
68.	9873	2633	Community Facility						
69.	9874	1260	Community Facility						
70.	20104	1372	Community Facility						
71.	30186	1833	Community Facility				OCCUPIED		
72.	30222	1973	Community Facility				OCCUPIED		
73.	30421	1780	Community Facility						
74.	40134	1979	Community Facility						
75.	40368	1792	Community Facility						
76.	50012	2124	Community Facility						
77.	50014	2563	Community Facility						
78.	50496	1449	Community Facility						
79.	50613	1940	Community Facility						
80.	50825	1878	Community Facility						
81.	60175	2568	Community Facility				OCCUPIED		
82.	60237	2474	Community Facility						
83.	60435	78399	Community Facility				OCCUPIED		
84.	60436	4168	Community Facility						
85.	60436	4168	Community Facility				OCCUPIED		
86.	60440	2843	Community Facility						
87.	70254	1799	Community Facility						
88.	70338	2585	Community Facility						

89.	91313	4966	Community Facility				OCCUPIED	Water and Sanitation available. Connection service will be for the account of the developer	
90.	91319	1235	Community Facility						

PHOMOLONG

N O	SITE NO	SIZE	ZONING	MARKET RELATED VALUE	MUNICIPAL ROLL VALUE	WARD NO	OCCUPANT/ OWNER	AVAILABILITY OF WATER SERVICES	AVAILABILITY OF ELECTRICAL SERVICES
91.	589	944	Community Facility						
92.	848	1338	Community Facility						
93.	1133	2483	Community Facility						
94.	1134	2200	Community Facility						
95.	1149	3086	Community Facility						
96.	1275	1772	Community Facility						
97.	2026	1498	Community Facility						
98.	2028	1306	Community Facility						
99.	2063	774	Community Facility						
100.	2132	1952	Community Facility				OCCUPIED		
101.	2459	1163	Community Facility						
102.	2552	6233	Public open Space						
103.	2635	1072	Community Facility						
104.	2867	1182	Community Facility						
105.	2992	209							
106.	3071	1453	Community Facility						

107.	3213	840	Community Facility							
108.	3315	2354	Community Facility							
109.	3648	1694	Community Facility							
110.	3798	1854	Community Facility							
111.	3799	1918	Community Facility							
112.	10000	1149	Community Facility							
113.	10001	1101	Community Facility							
114.	10166	2063	Community Facility							
115.	10286	3465	Community Facility							
116.	10388	2142	Community Facility							
117.	10521	1770	Community Facility							
118.	11017	2734	Community Facility							
119.	11077	2626	Public open Space							
120.	11342	2006	Community Facility							
121.	11452	7507	Community Facility							
122.	11611	6319	Community Facility							
123.	11839	2129	Community Facility							

MELODING

NO	SITE NO	SIZE	ZONING	MARKET RELATED VALUE	MUNICIPAL ROLL VALUE	WARD NO	OCCUPANT/ OWNER	AVAILABILITY OF WATER SERVICES	AVAILABILITY OF ELECTRICAL SERVICES
124.	391	2269	Community Facility						
125.	1148	4012	Community Facility						
126.	1837	3138	Community Facility				OCCUPIED		
127.	1971	1662	Community Facility						
128.	2169	51437 Ha							
129.	2482	1732	Community Facility				OCCUPIED		
130.	2874		Community Facility						
131.	2981	1761	Community Facility						
132.	2982								
133.	3047	1611	Community Facility						
134.	3376	1691	Community facility				OCCUPIED		
135.	3377		Community Facility						
136.	3517								
137.	4000	1978	Community Facility						
138.	4030	1604	Community Facility						
139.	4449	2033	Community Facility						
140.	4589	5362	Community Facility				OCCUPIED		
141.	4655	2384	Community Facility				occupied		
142.	4838	1595	Community Facility						

143.	5436	3222	Community Facility						
144.	5444								
145.	5446								
146.	5706	241							
147.	5977	1592	Community Facility						
148.	6110	1657	Community Facility						
149.	6569	2483	Community Facility						
150.	6583	3933	Community Facility						
151.	6717	3471							
152.	12142								
153.	12143								
154.	12144								
155.	12888								
156.	12889								
157.	12890								
158.	12891								
159.	13401								
160.	13496	1299	Community Facility			OCCUPIED			
161.	13747	1662	Community Facility						
162.	14094	2466	Community Facility			OCCUPIED			
163.	14299								

164.	14511	3278	Community Facility						
165.	14530	1605	Community Facility						
166.	14531	1870	Community Facility						
167.	14646	3011	Community Facility						
168.	14675	3879	Community Facility						
169.	14717	2670	Community Facility						
170.	15130	2976	Community Facility						
171.	20402	1595	Community Facility						
172.	20470	1830	Community Facility						
173.	20730	1830	Community Facility						
174.	20923	1595	Community Facility						
175.	51168								

NYAKALLONG

NO	SITE NO	SIZE	ZONING	MARKET RELATED VALUE	MUNICIPAL ROLL VALUE	WARD NO	OCCUPANT/ OWNER	AVAILABILITY OF WATER SERVICES	AVAILABILITY OF ELECTRICAL SERVICES
176.	125								
177.	271	2268	Community Facility						
178.	313								
179.	377	2452	Community Facility						
180.	467	2249	Community Facility						
181.	525	1981	Community Facility						
182.	613	2443	Community Facility			22	OCCUPIED		
183.	719	2176	Community Facility						
184.	826	1832	Community Facility						
185.	988	1376	Community Facility						
186.	989	1357	Community Facility						
187.	1026	1183	Community Facility						
188.	1256	4809	Community Facility						
189.	1760	220							
190.	1761						OCCUPIED		
191.	2399	1608	Community Facility						
192.	2471	1574	Community Facility						
193.	2477						OCCUPIED		
194.	2883	2009	Community Facility						
195.	2884	2797	Community Facility						
196.	2884		Community Facility						
197.	3011	1372	Community Facility						
198.	3080	2059	Community Facility						
199.	3211								
200.	3214	2237	Community Facility						
201.	3561	1590	Community Facility						
202.	3571	1827	Community Facility						
203.	3817	2107	Community Facility						
204.	3853	1935	Community Facility				OCCUPIED		
205.	3925								
206.	4048	1879	Community Facility				OCCUPIED		

ALLANRIDGE

NO	SITE NO	SIZE	ZONING	MARKET RELATED VALUE	MUNICIPAL ROLL VALUE	WARD NO	OCCUPANT/ OWNER	AVAILABILITY OF WATER SERVICES	AVAILABILITY OF ELECTRICAL SERVICES
207.	385	941							
208.	760	2864	Community Facility						
209.	1002	3963	Community Facility						
210.	1005	2767	Community Facility						
211.	1227	4974	Community Facility						
212.	1540	3960	Community Facility						
213.	1600	3942	Community Facility						
214.	1871	113461	Community Facility						

MMAMAHABANE

NO	SITE NO	SIZE	ZONING	MARKET RELATED VALUE	MUNICIPAL ROLL VALUE	WARD NO	OCCUPANT/ OWNER	AVAILABILITY OF WATER SERVICES	AVAILABILITY OF ELECTRICAL SERVICES
215.	96	1271	Community Facility						
216.	109	2743	Community Facility						
217.	110	2057	Community Facility						
218.	116	2130	Community Facility						
219.	117	2122	Community Facility						
220.	547	37582	Community Facility						
221.	570	334							
222.	744	1012	Community Facility						

223.	935	999	Community facility						
224.	1118	1019	Community Facility						
225.	1205	1064	Community Facility						
226.	1357	242							
227.	1997	1806	Community Facility						
228.	2176	2396	Community Facility						
229.	2184		Community Facility						
230.	2185								

THABONG

NO	SITE NO	SIZE	ZONING	MARKET RELATED VALUE	MUNICIPAL ROLL VALUE	WARD NO	OCCUPANT/ OWNER	AVAILABILITY OF WATER SERVICES	AVAILABILITY OF ELECTRICAL SERVICES
231.	11014	2068	Community Facility				OCCUPIED		
232.	12142	3437	Community Facility				OCCUPIED		
233.	13499								
234.	13502	28294	Community Facility			17			
235.	13503	9452	Community Facility						
236.	13504	56349	Community Facility			25			
237.	13526	985	Community Facility			25			
238.	14089	2983	Community Facility			25			
239.	14099	51701	Undetermined				OCCUPIED		
240.	14111	62484	Community Facility				OCCUPIED		
241.	14115	7514	Community Facility						

242.	14117	7600	Community Facility				OCCUPIED		
243.	15576						OCCUPIED	Water and sanitation is available	Connection services will be for the account of the developer
244.	15579	9229	Community Facility			15	OCCUPIED	Water and sanitation is available	Connection services will be for the account of the developer
245.	15589	4716	Community Facility			15			
246.	16357	2017	Community Facility			15			
247.	16359	30845	Community Facility			15			
248.	16360/ R	4691	Community Facility			14			
249.	20758	1580	Community Facility			16			
250.	21082	510	Community Facility			16			
251.	21248	1905	Community Facility			16			
252.	21322						OCCUPIED		
253.	21750								
254.	21751								
255.	21752								
256.	21753								
257.	22340	1359	Community Facility			25			
258.	22341	9330					OCCUPIED		
259.	22341	9330				25			
260.	22346	1359	Community Facility			25			
261.	22347	2796	Community Facility			25			
262.	2364	275							
263.	23992	2221	Community Facility			15			

264.	24724	626	Community Facility			13	OCCUPIED		
265.	24770	6548	Community Facility				OCCUPIED		
266.	25291	1161	Community Facility			13	OCCUPIED		
267.	25688	2097	Community Facility				OCCUPIED		
268.	26124	57785	Business			15			
269.	26948	3952	Community Facility			17	OCCUPIED		
270.	27005	3096	Community Facility				OCCUPIED		
271.	27011	1650	Community Facility			17	OCCUPIED		
272.	27094	2188	Community Facility			17	OCCUPIED		
273.	27886	1677	Community Facility				OCCUPIED		
274.	28651	1755	Community Facility				OCCUPIED		
275.	28843	3064	Community Facility			16			
276.	29305	3008	Community Facility				OCCUPIED		
277.	30215					13			
278.	30216					13			
279.	30234					13			
280.	30340					13			
281.	30539	1058	Community Facility			13			
282.	30668	3394	Community Facility			31			
283.	31017	941	Community Facility			16			
284.	31089	2346	Community Facility			12			
285.	31120	2023	Community Facility			12			

286.	31238	1253	Community Facility			12			
287.	31626	1421	Community Facility			12			
288.	31631	1880	Community Facility			12			
289.	31681	1300	Community Facility			12			
290.	31682	1149	Community Facility			12			
291.	1987/1		Community Facility			11			
292.	31836	1807	Community Facility			11			
293.	31837					11	OCCUPIED		
294.	32047	1872	Community Facility			11			
295.	32048	2236	Community Facility			11			
296.	34038	3217	Community Facility				OCCUPIED		
297.	35280	305				13			
298.	35325	5530	Public Open Space				OCCUPIED		
299.	36677						OCCUPIED		
300.	36702						OCCUPIED		
301.	36896								
302.	37785								
303.	38137					11			
304.	38276					11			
305.	38330					11			
306.	38347					11			
307.	38436					11			
308.	38565					11			
309.	38988					16			
310.	39245					25			
311.	39246					25			

312.	39246					25	Phokeng		
313.	39283					25			
314.	39298					25			
315.	39356	1457	Community Facility			25			
316.	39404					25			
317.	39405					25			
318.	39406					25			
319.	39586					16			
320.	39587					16			
321.	39589					16			
322.	39589						Phokeng		
323.	39680		Community Facility			17			
324.	39680						Phokeng		
325.	39811						Phokeng		
326.	5774						Las Vegas		
327.	6360	2578	Community Facility			17			
328.	6409	2527	Community Facility			17			
329.	6850	1501	Community Facility			17	OCCUPIED		
330.	6851	1445	Community Facility			17	OCCUPIED		
331.	6881	3163	Community Facility				OCCUPIED		
332.	7179	1772	Community Facility			17			
333.	7262	3729	Community Facility			17	OCCUPIED		
334.	7321	2266	Community Facility			17	OCCUPIED		
335.	7336	1801	Community Facility			17			

336.	8008	2043	Community Facility			30			
337.	8041	872	Community Facility			30			
338.	8044	872	Community Facility			30			
339.	8066								
340.	8071	2243	Community Facility				OCCUPIED		
341.	8072	1923	Community Facility				OCCUPIED		
342.	8088	1168	Community Facility				OCCUPIED		
343.	8558	2530	Community Facility			17	OCCUPIED		
344.	8563	2381	Community Facility			17	OCCUPIED		
345.	8652	3182	Community Facility				OCCUPIED		
346.	8836/2								
347.	8836/3								
348.	9115	1742	Community Facility			17	OCCUPIED		
349.	9132	1124	Community Facility			17	OCCUPIED		
350.	9133	1830	Community Facility			17			
351.	9152	5303	Public Open Space			17	OCCUPIED		
352.	9483	1581	Community Facility				OCCUPIED		

WELKOM

PHOMOLONG

NO	SITE NO	SIZE	ZONING	MARKET RELATED VALUE	MUNICIPAL ROLL VALUE	WARD NO	OCCUPANT/ OWNER	AVAILABILITY OF WATER SERVICES	AVAILABILITY OF ELECTRICAL SERVICES
356.	3992						OCCUPIED		

NYAKALLONG

APPLICATIONS FOR CHURCH SITES IN THABONG

NO	NAME OF CHURCH	CONTACT PERSON	ADDRESS	DATE OF APPLIC.	COMMENT / SITE APPLIED FOR
1	Apostolic Jerusalem Church in Zion	EP Ncube	PO Box 40070 Thabong	07-10-1998	2 nd site
2	Mintiro Ya Vaapostoli Moya Wa Rirhandzu In Zion	AV Mbokota	8616 Thabong	07-07-1999	
3	Gospel Mission Movement (New Holy Zulu Apostolic - Old name)	E Mashele	Contact Cllr Taliwe (5163 Thabong)previous	23-08-1999	letter acknowledged 3/12/1999
4	The Nation African Apostolic Church	TPS Sethole	10076 Thabong	Undated	
5	Physicalist Mother Church of Christ Mission	A.M Mtolo	35678 Thabong	Undated	2 ND Appl. 25/7/2008 35518
6	Deeper Life	Pas. Ngcizela	P.O Box 514 , Welkom	02-08-2001	
7	Back To God Community Church	J Modikoe	12351 Thabong	17-09-2001	
8	St John Apostolic Church of Prophecy	A Tladi DG Marotholi	693 Thabong 701 Thabong.	05-12-2001	2 nd appl
9	Apostolic Faith Mission	NA Thoboza	P.O Box 66569 ,Rstad	14-01-2002	
10	SA New Zion Apostolic Church Affairs	T. Mokodutlo	2569 Thabong	20-01-2002	
11	Methodist Church of Southern Africa	KE Mathaku	P.O Box 1468 Welkom	21-01-2002	
12	Church name ommited	H Hlajoane	9 Rissik Str ,Dgbr	25-02-2002	
13	New National Church Of Christ	Z.K Toli	16776 Thabong	Undated	
14	Jesu Ke Karabo	KR Tlake	15059 Thabong	Undated	
15	Medium Catholic Church in Zion	MP Ndlovu	1421 Gelukwaarts, Kroonstad	17-04-2002	
16	Roman Catholic Church	S Brislin/Fr Peter	P.O Box 198 , Welkom	09-05-2002	2 nd Appl . 33348
17	End Time Harvest	GB Adolf	15 Oos Str ,Bronville	14-05-2002	
18	Church name ommited	S Mali	18426 Thabong	27-05-2002	
19	Church name ommited	SS Gumbe	11689 Thabong	29-05-2002	
20	Church name ommited	J Stemmer	1645 Thabong	16-08-2002	

See 5

21	Church name ommited	W Mabadi	2024 Thabong	27-08-2002	
22	Universal Kathisma Apos. Church in Zion	LP Xaba	11037 Thabong	17-09-2002	
23	St Augustina Emmanuel Apostolic Church	MN Radebe	1923 Thabong	12-11-2002	
24	African National Church of SA	YW Xuma	28237 Thabong	14-11-2002	
25	Church name ommited	B Divhula	180 Hector Peters, Thabong	22-11-2002	
26	Indiginous Pentacostal Fellowship	J Nhlapo	24758 Thabong	27-11-2002	
27	Joy Of The Lord Ministries	Pastor Mafisa	14491 Thabong	29-11-2002	
28	Zion Christian Church S.A	S Siralile	B-Hostel	Undated	
29	Church name ommited	E Hadebe	Block C 363 ,Thabong	Undated	
30	Church name ommited	N Chauke	5112 Thabong	03-12-2002	
31	Children Of God	DN Martins	26932 Thabong	27-12-2002	
32	N.G Kerk South	M Mokone	19658 Thabong	20-01-2003	
33	United Christian Ministry	RZ Diamini	30 Roseland Str, Bedelia	21-01-2003	
34	The Christian Baptist Apostolic Church In Zion	TP Macela	19622 Thabong	07-10-2003	
35	N.G Kerk	M.Mangoejane	P.O Box 3948 Welkom	20-10-2003	
36	Bethsaida Apostolic Church	MS Kgatleng	26221 Thabong	27-11-2003	
37	United Methodist Church	(Rev.Lonzi)	(11028 Thabong)		
38	Church name ommited	A Gubuza	292 Block Kutloanong	11-12-2003	
39	Victory Fellowship Ministry	Pastor Kenke	16988 Thabong	19-12-2003	
40	The Christian Apostolic Zulu Church in Zion	Rev. Leseke	42 Rhodes Str, Rtzpark		
		M Phofeli	PO Box 293 Wkm	Undated	
41	Emmanuel Christian Centre	Rev. Simelane	D 33 John Dube, Thabong	Undated	
42	Ethiopian Church of SA	(Pst. Sepheko)	(12567 Thabong)previous		
		M.A Mokati	89 Harlem Str Wkm	Undated	
43	Seventh Day Adventist Church	(SP Mankae)	13328 Thabong		
44	The Christian Zion Apostolic Church	MJ Fixane	14637 Thabong	17-02-2004	
45	The Gospel Church of Power of RSA	M Phosha	PO Box 40007, Thabong	24-03-2004	
		SS Towa	4647 Thabong	05-03-2004	
		M Booij	7361 Thabong	06-04-2004	

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46	International Pentecostal Holiness	A Katz	3136 Thabong	23-06-2004	
47	Christian Power Centre	M.J Pali	18297 Thabong	23-07-2004	
48	The New Jerusalem Church	M Moses	905 Winkelhaak ,Bronville	29-07-2004	
49	Mt Carmel Worship Centre	T Molelengoane	39 Church Str , Doorn	13-08-2004	
50	Christ for Africa Ministries	M Mokgeleli	19247 Thabong	30-11-2004	
51	The African Galilee Church In Zion of SA	P Motaung	19401 Thabong	17-03-2005	
52	Hepzibah Ministries	WD Eiman	1266 Bronville	05-04-2005	2 nd App) 2672 Bm
53	St Christian Apostolic Church In SA	I Tapisi	16503 Thabong	12-04-2005	
54	Thabong Assemblies of God	M Jonas	PO Box 40122,Thabong	13-04-2005	
55	The New Apostolic Church	E Mandlati	23840 Thabong	22-06-2005	2 nd App. 17/7/2006
56	Light of Damascus Church Leseding of SA	M Magidlela	1373 Thabong	05-07-2005	
57	St Paul Apostolic Faith Morning Star Church	KP Ramoipone	2777 Thabong	05-07-2005	
58	Apostolic Faith Church	(Miangeni) J Motloung	3915 Thabong	08-08-2005	
59	The Christian Apostolic Zulu Church of Zion	C Maduna (Mbangwa)	3474 Hani Park (905 Hani Park)	09-09-2005	(2 nd App.)
60	United Methodist Church of SA	M Peter	E Hostel, Rm N 443	14-09-2005	
61	NG Kerk in Afrika	IS Ntsabo	PO Box 552, Welkom	17-09-2005	
62	Shiloh Mission Church	D Cloete	Box 3051 ,Welkom	22-09-2005	
63	The Foundation Of Apostles & Prophets Church	S Lekhoaba	4071 Thabong	26-09-2005	
64	Temple of God Bible Church	PP Rakhoabe	14 Habanera Str, Flamingo	04-10-2005	
65	The New Jerusalem of Africa Thaba Zion	S Chere	35299 Thabong	29-11-2005	
66	The Gospel Church of Power	S Siyengo	34009 Thabong	08-12-2005	
67	Welkom City Family of God Church	T Masole	PO Box 3304, Welkom	Undated	
68	NG Kerk South	M Mokone	19658 Thabong		
69	Holy Living Ministries	ME Miya	19030 Thabong	29-01-2006	
70	Forward in Faith Church in SA	K Magudulela	PO Box 3388,Welkom	09-02-2006	

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71	Holy Faith Healing Mission Church		37 B4 Kutloanong	27-02-2006	
72	Bechuana Methodist Church In SA	ES Malete	19945 Thabong	02-03-2006	
73	Jehovah's Witness	D Kande	PO Box 2587, Welkom	15-03-2006	
74	Medium Catholic Church in SA	MJ Mokhele	11953 Thabong	07-04-2006	
75	Bride Of Christ Ministries Of SA	PH Jacobs	1005 Bronville	04-06-2006	
76	Fountain Of Grace Ministry	MJ Motaung	24758 Thabong	17-12-2006	
77	Ofra Christian Apost. Church in Zion of SA	AB Matonsi	PO Box 4926, Welkom	09-06-2006	
78	Welkom City Wide Family Of God Church	MM Lefsoara	112 Arial Str Bdl	07-07-2006	
79	The Bathel Apostolic Church In Zion Of SA	SM Manukha	26140 Thabong	27-07-2006	
80	Z.C.C	M Ndleleni	PO BOX 88050 Bronville	20-08-2006	
81	Victory Fellowship End Of The Age Revival Centre	I Ngwenya	PO Box 1293 Welkom	07-09-2006	
82	Rehoboth Revival Ministries Herlewning Bediening	B Arends	14 Garden Str Bronville	12-09-2006	
83	Christ Our Hope Ministry	P Zweni	19419 Thabong	27-09-2006	
84	Preserve Your Freedom Church		26169 Thabong	01-10-2006	
85	Old Original Church	D Ketile	26 Mercutio Str, Bedelia	16-10-2006	
86	Addulam Family Worship Centre	E Chaane	28996 Thabong	31-10-2006	
87	Children Of God in SA		26932 Thabong	23-11-2006	
88	Fountain Of Grace Ministry	MJ Motaung	24758 Thabong	17-12-2006	
89	Govenant Apostolic Faith Church	J Mufara	Virginia	16-01-2007	
90	The Old Apostolic Church SA	MD Segalo	11813 Opp Park	31-01-2007	
91	Church name ommited	SZ Mdindi	1067 Thabong	12-02-2007	
92	St Luke 's Apostolic Ejwel Jekeshen Church	Munyakana T	7369 Thabong	12-03-2007	
93	Retshidisitswe NG Kerk in Afrika		PO Box 40018 Thabong	22-06-2007	
94	Paris Evangelical Missionary Society in SA	C Ntso'nyana	PO Box 40362 Thabong	02-07-2007	
95	Evangelical Assemblies de Deus Church	Pas.Mawati	24282 Thabong	23-07-2007	Appl rec 12.02.2009

96	Pentecostal Jerusalem Church of Christ in Zion	MJ Khumalo	25291 Thabong	03-08-2007	Appl rec 12.02.2009
97	First Apostolic Church Of St John	A Moletsane	27165 Thabong	04-11-2007	
98	Abraham's Faith Ministry	NJ Sebatane	11983 Thabong	21-12-2007	
99	Jesus Our Hope Ministry	TJ Siqana	4603 Thabong	09-01-2008	
100	Misionian Christian Church	S Thupa	28837 Thabong	16-01-2008	
101	New Generation Apostolic Church of SA	SP Kambula	PO Box 1203 Thabong	04-02-2008	
102	Messiah's Mission Centre	OH Souls	17573 Thabong	04-03-2008	
103	Gereformeerde Kerk Eben-ezer	M Letebele	27922 Thabong	11-04-2008	
104	St John Apostolic Faith Mission	S Kouveld	2664 Bronville	26-06-2008	
105	The Zion Foundation Church of SA	EM Majoro	35323 Thabong	29-06-2008	
106	Merriam Apostolic Church in SA		8 Vanrensburg Str Wkm	07-08-2008	
107	St Luke Apostolic Church	M Mlambo	28491 Thabong	15-08-2008	
108	Praise Fellowship Church	SD Kgware	146 Graham Str,Dagbr	25-08-2008	16357
109	St Engenas ZCC	LM Maloko	25417 Thabong	10-09-2008	25271,25272
110	Katleho NG Kerk in Afrika	IS Ntsabo	12 Baily Str , Ritzpark	17-09-2008	
111	Catholic Apostolic Jerusalem Church in Zion	KB Tjakata	135 Seeisoville, Kroonstad	03-11-2008	
112	The Faith Apostolic Church in SA	D Mudaca	8881 Thabong	05-12 2008	Appl rec 12.02.2009
113	Assembly of God Fellowship	N Chauque	25112 Thabong	Undated	Appl rec 12.02.2009
114	Living Hope Church of Nazarene	DM Nyokong	9483 Thabong	Undated	Appl rec 12.02.2009
115	The Holy Nazareth Apostolic Church in Zion of SA	E Phalazo	14892 Thabong	Undated	Appl rec 12.02.2009
116	Judeia Apostolic Church in Zion of SA	J Mubeto	23998 Thabong	Undated	Appl rec 12.02.2009

APPLICATIONS FOR CHURCH SITES IN NYAKALLONG

NO	NAME OF CHURCH	CONTACT PERSON	ADDRESS	DATE OF APPL.	COMMENT
1	Bechuana Methodist Church	Mogorosi	3447 Nyakallong	31-01-2002	
2	St Barnard Anglican Church	LE Motswana	PO Box 3020 Allanridge 9490	12-09-2002	Ask that the site given to them be exchanged for bigger one
3	Victory fellowship	HL Mathiso	1846 Nyakallong	20-02-2002	
4	Zion Christian Church Allanridge Branch	J Nkala	PO Box 3439 Allanridge 9490	08-03-2005	Report that the site given to them is small, request for bigger one
5	Uniting Reformed Church in SA	P Mohlapholi	PO Box 23 Allanridge 9490	12-01-2006	Site next to LA Wesi
6	Apostolic Jerusalem Church in Zion			16/01/2006	No applic submitted by Eunice
7	Forward in Faith Church in SA	J Nkala		08/03/2005	No applic submitted by Eunice
8	Arise And Shine Lighting House	P Kraal	2346 Nyakallong	17-10-2003	2884
9	Abide In Christ Original Church			17/09/2003	No applic submitted by Eunice
10	Peace Makers Ministries International of SA	RF Nkoane	9 Rhenoster Str Allanridge 9490	23-05-2008	
11	Fire Temple Bible Church	JL Pitso	3191 Nyakallong	05-03-2009	Next to Dihoai School

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APPLICATIONS FOR CHURCH SITES IN KUTLOANONG

NO	NAME OF CHURCH	CONTACT PERSON	ADRESS	DATE OF APPLIC.	COMMENTS
1	Church of God Build Under Apostolic and Prophet of Jesus of SA	SD Khauoe	401 B7 Kutloanong	18-12-1997	
2	St Ephesus Apostolic Church of God	PS Letshele	48 b4 kutloanong	9-12-1998	
3	Fruits of Apostolic Church of God	J mathibeli	1228 k2 kutloanong	17-4-2000	
4	Forward in Faith International Ministries in SA	P Mutimiyi	PO Box 12772 Merafong 9480	14-8-2001	
5	Good New Christian Fellowship	A Busakwe	2377 K7 Kutloanong	2-8-2001	
6	St John Apostolic Church of Prophecy	MD Marotholi	PO Box 11353 O/Rus	5-9-2001	
7	Church name omitted	Rev Lekhoaba	338 B2 Kutloanong	11-3-2002	
8	New Life in Jesus Ministries	TE Mbedzi	PO Box 11254 Merafong 9480	24-4-2002	
9	Beersheba Holy Church	S Mkhwanazi	210 B2 Kutloanong	19-4-2002	
10	Church name omitted	E Hlabahlaba	6 B4 Kutloanong	16-5-2002	
11	Kgopotso Apostolic Faith Mission	JS Mbatyaza	2241 K7 Kutloanong	7-7-2002	
12	Church name omitted	MG Mosholi	314 B4 Kutloanong	Undated	
13	Free Ethiopian Church	ZD Buntse	36 B6 Kutloanong	Undated	
14	Church name omitted	Mr Motheo	PO Box 11121 O/Rus	Undated	
15	Elshadda International Ministries	W Ramotselisi	PO Box 13733 Merafong 9480	16-8-2002	
16	ST Luke Roman Catholic Church	Fr TI Bassy	PO Box 146 O/Rus	18-8-2002	
17	Reformed BM Church	TJ Khesa	2029 K4 Kutloanong	25-3-2003	
18	The New Church of SA	Rev Poone		26-3-2003	Already allocated site 496 B7 Kutloanong
19	Catholic Peace Church		7000 K8 Kutloanong	10-4-2003	
20	The New Jerusalem Apostolic Church of SA	I Molefi	541 Madimola Str Kutloanong	25-4-2003	

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21	Medium Apostolic Church in Africa	MG Mosholi	314 B6 Kutloanong	1-9-2003	
22	Christian Fellowship Centre	Rev Mofoka	1387 K4 Kutloanong	18-9-2003	
23	Word of Life Ministries	T Motsoeneng	1326 K4 Kutloanong	17-10-2003	
24	Ebenhaezer Pentacost Church of SA	L Motsemme	14130 Thabong	29-11-2003	
25	Union Apostolic Church		9255 K9 Kutloanong	7-1-2004	
26	Zion Christian Church	LS Nale	612 B7 Kutloanong	18-3-2004	
27	St Paul Apos. Faith Mission Star Church of SA	S Khetha	2170 K7 Kutloanong	24-3-2004	
28	General Faith Assembly Church in Zion	S Feketshane	9083 Geneva Kutloanong	5-4-2004	
29	The African Presbyterian Church	MD Keketsi MP Mosia	568 B7 Kutloanong 4882 K6 Kutloanong	18-4-2004	
30	St Paul Apostolic Faith Mission	ZM Tlhomedi	23 B7 Kutloanong	4-5-2004	
31	Pentecostal Holiness Congregation Devine Government	BS Ntaje	400 B7 Kutloanong	27-5-2004	
32	Medium Catholic Apostolic Church in Zion	S Mavundla	646 B7 Kutloanong	1-6-2004	
33	St Johns Apostolic Church	P Xolo	3325 K5 Kutloanong	Undated	
34	Holy Faith Healing Mission Church	F Mokhoanatsi	37 B4 Kutloanong	14-9-2004	2 nd appl. 27-2-2006
35	The New Church of SA	JM Mabote	74 B2 Kutloanong	5-1-2005	
36	Thy Kingdom Come Ministry	DA Mohapi	2195 K7 Kutloanong	2-3-2005	
37	Bethsaida Jesus Faith Church in Zion	NN Mchunu	PO Box 159 O/Rus	16-3-2005	
38	St John in Jerusalem Faith Healing Church of SA		4548 K6 Kutloanong	1-4-2005	
39	Revival and Healing Ministries	MJ Mtihafu	4171 K7 Kutloanong	14-6-2005	
40	St Engenas Zion Christian Church	K Tlale	435 B4 Kutloanong	17-6-2005	
41	Christ for Africa Ministries	TJ Tlhapi	1248 K2 Kutloanong	4-7-2005	
42	Church name omitted	MS Mlandule	3052 K5 Kutloanong	15-8-2005	
43	The No1 Holy Jerusalem		Kutloanong Ministries	Undated	Appl. rec: 15-8-2005
44	Christian Fellowship Centre	E Mbelekwane	401 B7 Kutloanong	Undated	Appl. rec: 15-8-2005
45	Nazareth Peace Church in Zion	M Note	183 B1 Kutloanong	Undated	Appl. rec: 15-8-2005

46	Bechuana Methodist Church in SA	SE Malete	362 B4 Kutloanong	Undated	Appl. rec:15-8-2005
47	St Bethel Congress of God Church of SA	RD Miya	8737 K9 Kutloanong	Undated	Appl. rec:15-8-2005
48	New St Phillip Apostolic Church	RJ Mocholotsi	255 B6 Kutloanong	Undated	Appl. rec:15-8-2005
49	St John Apostolic Church of Prophecy	RH Letube	3468 K5 Kutloanong	Undated	Verify if this is not the same church as on no 6 Appl.Rec:15-8-2005
50	Fortunatus Galilean Church of SA	Rev Motlaloe	PO Box 11964 Merafong 9483	Undated	
51	St Paul Faith Morning Star Church of SA	Rev Khetha	PO Box 11398 Merafong 9483	Undated	
52	The Zionist Apostolic Medium Church of God	KJ Bohope	653 K6 Kutloanong	31-10-2005	
53	Rest Zion Union Apos.Christian Church in SA		9255 K9 Kutloanong	18-5-2006	
54	Seventh Day Adventist Church	MD Segopa	6812 K8 Kutloanong	17-7-2006	
55	The African National Church	RJ Motsoane	5794 K6 Kutloanong	20-10-2006	
56	Rock of Salvation Ministry		No address submitted	4-1-2008	
57	Z.C.C	D Mosala	2594 K5 Kutloanong	18-3-2008	
58	The Apostolic New Zion Church of Africa	SM Matela	452 B7 Kutloanong	7-4-2008	
59	Atta-El-Roi Church	SI Nkumbuzo	1302 Kutloanong	19-6-2008	

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APPLICATIONS FOR CHURCH SITES IN MELODING

NO	NAME OF CHURCH	CONTACT PERSON	ADRESS	DATE OF APPL.	COMMENT / SITE APPLIED FOR
1	Apostololic Faith Church	S Sekhosana	1693 Meloding	12-08-2003	
2	The Bantu Methodist Church of SA	AZ Tyopo	17 Malelane str,S/plaas	10-02-2004	
3	Seventh Day Adventist Church	V Dilima	PO Box 1384 Vrg	14-08-2004	
4	St Johns' Apostolic Faith Mission	V Mkhujulwa	71 Monikana Ave,Splaas	07-08-2005	Next to graveyard
5	Christ for Africa Ministries	FD Lunga	3652 Meloding	21-04-2004	Open space btw 3374/3375
6	Africa Back to God Church	TD Mohlabane	4694 Meloding	26-04-2005	12947,4367,4000,3376
7	The New Generation of SA	T Makatane	13496 Meloding		4030,3375,4449
8	The New Church of SA	P Nchotholozi	13496 Meloding	21-07-2005	
9	St Engenas Zion Christian Church	M Khubeka	1611 Meloding	03-08-2005	12737
10	Uniting Reformed Church in SA Ebenezer-Virginia	TG Lekoala		28-08-2006	
11	Section Thirteen Church in Zion	MS Lebakeng	13304 Meloding	15-10-2006	
12	The New Zion National Apostolic Church in SA	SD Molapo	12696 Meloding	18-10-2006	12949
13	Holy Life Ministries	M Malebatso	1377 Meloding	15-01-2007	- next to simple complex
14	Zion Christian Church	S Nkhata	PO Box 1680 Vrg	31-01-2007	1288,12891
15	African National Church of SA	NS Xuma	12660 Meloding	16-03-2008	12144
16	St Johns' Apostolic Faith Mission Church of SA	M Dlongwana	4109 Meloding	08-07-2008	
17	Kingdom Bible Church	J Rapolane	13 Napier Str Splaas	14-08-2008	4608
18	Maxima Bible Church	MV Dlhamini	PO Box 1923 Bethlehem	15-09-2009	1443

new

19	Father Masango St Johns Apostolic Faith Mission	MZ Mofokeng	16737 Thabong	Undated	
20	Africa Back to God Church	TD Mohlabane	4608 Meloding	Undated	4608

APPLICATIONS FOR CHURCH SITES IN MMAMAHABANE

NO	NAME OF CHURCH	CONTACT PERSON	ADRESS	DATE OF APPL.	COMMENT / SITE APPLIED FOR
1	St Paul Apostolic Faith Morning Star Church of SA	MJ Raseeng	792 Mmamahabane	12-11-2001	
2	Twelve Apostles' Church in Christ	DD Mdiluli	PO Box 11034 Odendaalsrus 9483	19-08-2002	
3	Apostolic Faith Mission Church	A Mofokeng	2071 Mmamahabane	19-09-2002	787,1205
4	Christensenrum Ventersburg	P Wasserman	PO Box 300 Ventersburg 9872	19-06-2003	787
5	Old Apostolic Church	Sulo	2257 Mmamahabane	23-07-2003	787,935
6	Presbyterian Apostolic Church of SA	D Monaheng	532 Mmamahabane	27-08-2004	1205
7	Zion Christian Church	M Monatisa	370 Mmamahabane	27-08-2004	1205, 2 nd letter rec. on 11-07-2005
8	New Catholic Apostolic Jerusalem Church in Zion	SP Moreki	1084 Mmamahabane	01-10-2004	787
9	St John Apostolic Faith Mission	S Mokoena	PO Box 22476 Dikgakeng 9872	30-01-2004	

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APPLICATIONS FOR CHURCH SITES IN PHOMOLONG

NO	NAME OF CHURCH	CONTACT PERSON	ADRESS	DATE OF APPL.	COMMENT
1	The New Small Christian Apostolic Church of Africa	PP Malekele	2614 Phomolong	01-12-2003	3670 Park
2	Light For All Nations Ministries	TJ Mokoena	PO Box 5014 Hennenman 9445	26-07-2004	11091,11077,11838
3	Hosana New Church of God in Zion Apostolic Church in Zion	S Masukela	786 Phomolong	08-01-2005	Hostel building
4	Christian Victory Bible Church	MS Thakeng	PO Box 57 Henneman 9445	25-01-2005	2062 Community Hall
5	Presb Bafolisi Church	J Mokhalo		15-02-2005	no appl.submitted by Eunice
6	Christian for Africa	Makola	1916 Phomolong	21-01-2007	12069
7	Live for Christ Ministries	SJ Tiwayi		30-03-2007	no appl.submitted by Eunice. 11611, 10285,1134
8	Praise Fellowship Church	TL Moseme	10296 Phomolong	05-02-2007	10703,10839,10287
9	Power House Bible Church	SD Moloi	3727 Phomolong	14-01-2008	2552
10	Efese Zion Apostolic Church of Jesus Christ	C Ndayi			no appl.submitted by Eunice. 2132
11	Life of The World Ministry	TP Tsosane		20-02-2004	no appl.submitted by Eunice.

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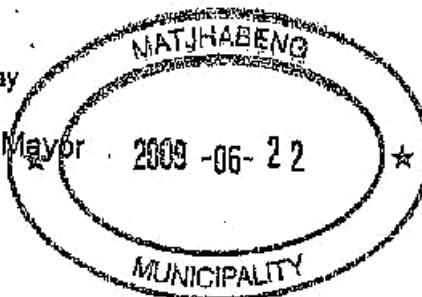
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S.H.I.L.

153958



Contact: J Kay

ATT: Executive Mayor 2009 -06- 22 *

Fax No:

Dear Executive Mayor

RE: MORATORIUM ON MUNICIPAL LAND AND PROPERTIES

At the Extended EXCO Lekgotla, it was agreed that for the Interim, we should place a moratorium on the sale of any municipal properties including land.

If leases on land or property have expired, please extend the lease contracts on a month to month basis.

Sincerely yours,

**E.S. MAGASHULE MPL
PREMIER: FREE STATE**
DATE: 19 June 2009
PREMIER'S OFFICE, Bloemfontein, 2009

cc MUNICIPAL MANAGERS

ATTENTION	EX-MAYOR	SPEAKER	MM	COO	DIRECTORS	MANAGERS
COMMENTS			22	06	<i>N.T.B. Leekie</i>	<i>30/6/09</i>
DUE DATE				09	<i>J.K.</i>	
INFORMATION						

Private Bag X20638, Bloemfontein, 9300
 Lebophang Building, 4th Floor, Cnr St Andrew and Markgraff Streets, Bloemfontein
 Tel: (051) 405 6700 Fax: (051) 408 4803
 E-mail: janeckay@premier.fs.gov.za

Ndzalo Marai

From: Betty Maswanganyi
Sent: 17 May, 2018 12:38 PM
To: Ndzalo Marai
Subject: FW: DBSA MASTER PLAN SUPPORT FUNDING 18/19 FINANCIAL YEAR

From: Dinono Nhlapo [mailto:mmapo@fscogta.gov.za]
Sent: 03 April 2018 10:13 AM
To: tsekedip@gmail.com; mojalefa.matlole@gmail.com; masejane@mantsopa.co.za; Thabiso Tsoaeli
Cc: tshabap@gmail.com; tsepos@mantsopa.co.za; Betty Maswanganyi; masvaureb@gmail.com; abreemphuthi@gmail.com
Subject: FW: DBSA MASTER PLAN SUPPORT FUNDING 18/19 FINANCIAL YEAR

Good morning

The email below bears reference:

Letters must be for the attention of Mr. Albert Celani Shoko (alberts@dbsa.org) and be addressed to the following address:

*The Head
Planning Unit
Project Preparation Division
DBSA
Box 1234 Halfway House
1685*

Please also copy the following email addresses: 'Proscovia Nakanjako'; 'mashilo@fscogta.gov.za'; 'mmapo@fscogta.gov.za'; 'srapulane@gmail.com'

Kind regards,

From: Proscovia Nakanjako [mailto:Proscovia.Nakanjako@misa.gov.za]
Sent: 29 March 2018 09:40 PM

To: mashilo@fscogta.gov.za
Cc: 'Piet Viljoen'; Simon Rapulane; hod@fscogta.gov.za; siphlo@fscogta.gov.za; tsepos@mantsopa.co.za; betty.tlhabani@matjhabeng.co.za; betty.maswanganyi@matjhabeng.co.za; ptsekedi@masilonyana.co.za; tshabap@gmail.com; masvaureb@gmail.com
Subject: RE: DBSA MASTER PLAN SUPPORT FUNDING 18/19 FINANCIAL YEAR

Good day, Mr Toona

Please take note that DBSA will support 4 Municipalities in Free State for 18/19 Financial year Namely:

1. Mafube LM – R3m
2. Mantsopa LM – R3m
3. Masilonyana LM – R3m
4. Matjhabeng LM – R6m

The amount will be confirmed by DBSA officially when the Municipalities submit revised official letters for funding support Request for master plans. I will appreciate if you facilitate the submission for the official letters as soon as possible. NOTE: The letter for support must be addressed to DBSA not to MISA.

Regards,

Prossy Nakanjako
 Technical Consultant: FS Project Manager
 Cell: 071 200 8047
 E-Mail: Proscovia.nakanjako@gov.za / pnaikanjako@gmail.com

Municipal Infrastructure support Agent (MISA)
Dept. Co-operative Governance (DCOG)
Letuba H'se, 1303 Heuwel Rd, Riverside Office Park
Private Bag x 105 Centurion 0046
Tel: 011 100 3100



Disclaimer : The information contained in this communication is privileged/confidential and is intended solely for the use of individual or entity to whom it is addressed. This communication represents the originator's personal views and opinions, which do not necessarily reflect those of the Department of Cooperative Governance and Traditional Affairs, unless specifically stated otherwise. If you are not the original recipient or the person responsible for delivering the email to the intended recipient, be advised that you have this email in error, and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. If you received this email in error, please immediately notify the sender by reply email.

MATJHABENG

Municipality
Umasipala
 P O Box 708
 Welkom, 9460
 South Africa



Mmasepala
Munisipaliteit
 Tel: (057) 391 3106
 Fax: (057) 397 4393
 E-mail: mm@matjhabeng.co.za

OFFICE OF THE MUNICIPAL MANAGER

Enquiries / Navræ / Dipatliso	:	Mrs Betty Maswanganyi
Room no / Kamer nr / Kamore ya	:	Room 305, One Reinet Building
Date / Datum / Letsatsi	:	03 April 2018

Attention: Mr Albert Celani Shoko

THE HEAD: PLANNING UNIT - PROJECT PREPARATION DIVISION
DEVELOPMENT BANK OF SOUTHERN AFRICA (DBSA)
 P.O BOX 1234
 HALFWAY HOUSE
MIDRAND
GAUTENG
 1685

Dear Sir

**REQUEST FOR SUPPORT FUNDING FOR THE DEVELOPMENT OF MASTER PLANS -
 2018/2019 FINANCIAL YEAR**

The e-mail from the Municipal Infrastructure Support Agency (MISA) of the Free State Province dated 29 March 2018 bears reference;

1. We appreciate the opportunity granted to us to request for the support funding for the development of Master Plans.

2. We are currently in the process to update our Water Services Development Plan (WSDP) and the Spatial Development Plan (SDF). However, we have the following Master Plans that must also be urgently developed to improve on our developmental planning:

Item No.	Description	Estimated Cost (Including VAT)
1	Sanitation Master Plan	R2 940 000.00
2	Roads Master Plan	R2 760 000.00
3	Stormwater Master Plan	R3 340 000.00
4	Electrical Master Plan	R1 522 000.00
5	Local Integrated Transport Plan	R926 000.00
6	Solid Waste Management Plan	R665 000.00
7	Environmental Management Plan	R860 000.00
TOTALS		R13 013 000.00

3. We will wait in anticipation for your positive response.

We trust that you will find all of the above in order.

Yours faithfully,

PHABISO TSOAELI
MUNICIPAL MANAGER



07 May 2018

Mr Thabiso Tsoaeli
Municipal Manager
Matjhabeng Local Municipality
P. O. Box 708
Welkom
9460

Dear Sir,

REQUEST FOR DBSA'S PLANNING SUPPORT: DEVELOPMENT OF INFRASTRUCTURE PLANS

Your letter of 03 April 2018 has reference.

We let you know that DBSA is considering rendering the requisite Planning Support to Matjhabeng Local Municipality.

In this regard, we hereby propose that we meet with yourselves and go through pertinent issues pertaining to both rendering of the planning support and implementations of the resultant recommendations thereof.

Attached, is our proposed draft Agenda.

We propose for this meeting to held on the 11th of May 2018 at 10h00 hours at your offices under the chairpersonship of the Municipal Manager. The outcomes of this meeting will guide the way forward, including all time lines.

Further enquiries should be directed to Mr Albert Shoko on Tel: 011 313 3389 or email: alberts@dbsa.org or Mr. Nico Jooste Tel: 011 313 3257 or email nicoj@dbsa.org.

Yours faithfully,

Mr. Khwathelani Bolofo
Head: Planning Unit (PU)



**AGENDA FOR THE MEETING ON
DEVELOPMENT OF MATJABENG LOCAL MUNICIPALITY'S WATER
SERVICES MASTER PLAN**

Date : 11TH May 2018
 Time : 10H00
 Venue : Matjabeng Local Municipality

1	Welcome and Introductions	MLM - MM
2	Purpose of the meeting	DBSA H-PU
3	MLM Request and Its Motivation:	
3.1	Prioritisation of the Infrastructure Plans	
3.2	Municipal Capacity: <ul style="list-style-type: none"> a) Occupancy Status of Key posts (MM & Key Managers) b) Authenticated plans to fill vacancies, if any c) Existing and/or Requisite External Support 	
3.3	Problem Statement: <ul style="list-style-type: none"> a) The need to develop the infrastructure plan b) Implications if planning support not rendered c) MLM contribution to the development of the Infrastructure plan 	MLM
3.4	Benefits to accrue to applicant due to development of the infrastructure plan	
3.5	Implementation Plan for the Projects to be identified in the infrastructure plan: <ul style="list-style-type: none"> a) Migration of the projects to MTEF and budget provision for the projects 	
3.6	Municipality Commitment and Declaration:	

	a) Council Resolution mandating MM on application, contribution, execution, migration and execution of projects to be identified in the infrastructure plan	
3	<p>DBSA Acceptance and Processes:</p> <ul style="list-style-type: none"> o DBSA Acceptance Response o The DBSA Processes: <ul style="list-style-type: none"> • Internal Approvals • Procurement of PSP <ul style="list-style-type: none"> o ToRs o Tendering, Award & Contract • Mandate Agreement Development <ul style="list-style-type: none"> o Its need o Development o Signing • Project Execution • MLM Approvals • Migration, funding and Implementation of identified Projects 	DBSA
4	<p>STAKEHOLDERS:</p> <p>Background Introduction Collaboration areas with stakeholders</p> <ul style="list-style-type: none"> • COGTA/MISA: • DW&S • ETC 	DBSA
5	ESTABLISHMENT OF THE PROJECT STEERING COMMITTEE:	DBSA
6	STATUS OF THE IMPLEMENTATION THE 2011 SEWERAGE MASTER PLAN PROJECTS	MLM
7	SITE VISITS, If any and if need be	MLM - ALL
8	General, Next Meeting and Closure	ALL



ATTENDANCE REGISTER BETWEEN MLM AND DBSA 11 MAY 2018

NO	NAME AND SURNAME	POSITION	EMAIL ADDRESS	CONTACT DETAILS	SIGNATURE
1	Betty Maswanganyi	ED: Infrastructure	Betty.t.habani@motjhabeng.co.za	071 607 8080	
2	Ndzalo Nkwinika	Manager Planning	ndzalo.nkwinika@motjhabeng.co.za	071 263 4418	
3	Kabelo Masoboa	Project Manager	masoboa@eds.gov.za	076 152 5540	
4	Subash Ramsunder	Project Manager	Ramsunders@eds.gov.za	079 767 0484	
5	Zingisa Tindlevi	ED: Com Services	Zingisa@egmali.com	071 461 0556	
6	Khweatheku Bolope Head: Flags		khweatheku.bolope@eds.gov.za	083 377 82466	
7.	Albert Shoko	Proj. Manager	Alberts@dbsa.org	076 654 7337	
8.	Ngwako Moroole	Manager	ngwako@eds.gov.za	076 682 1803	
9.	Hlomo Pumani	CFO	cfo@motjhabeng.co.za	083 514 86	

MATJHABENG

**MUNICIPALITY
UMASIPALA**

6 Dagbreek Hof
Burgher Street
Dagbreek
WELKOM 9459



**MASEPALA
MUNISIPALITEIT**

Tel: (057) 3524046
Cell: 0824914052
Fax: 0866920367
E-mail: piet.botha@vodamail.co.za

Raadslid/Councillor PF Botha

9 May 2018

The Municipal Manager
Matjhabeng Local Municipality
PO Box 708
WELKOM
9460

By hand & E-Mail

Dear Mr. Tsoaeli,

MOTION TO HAVE THE MEDIA NEWS CONTRACT DECLARED NULL & VOID
In accordance with Rule 54 of the Standard Rules and Orders as adopted, I hereby submit a motion for inclusion in the Agenda of the Council meeting later this month.

Your attention is drawn to Rule 55(1) which states that the motion must be included in the agenda for the first ordinary council meeting next ensuing.

PURPOSE:

To bring under the attention of Council an invalid agreement entered into with a service provider contrary to Section 33 of the MFMA and to move council to resolve to annul the agreement.

BACKGROUND:

On 2 May 2017 an agreement was concluded between Matjhabeng Municipality and The Media News (TMN). The agreement is attached hereto as Annexure A pages 1 – 14. As per clause 3.1 the agreement is for a period of 5 years with the proviso that it will be extended with another 5 years should the Municipality not cancel the agreement 1 month prior to the expiry date.

Although the agreement only allows TMN to “provide and administer advertising on commercial signs on street light standards and erect digital billboards” they has interpreted the agreement to the extent that it empowers them to take over the role and responsibilities of council’s Building Control Department and has gone as far as enforcing bylaws that have not yet been promulgated and collecting municipal tariffs (taxes) on behalf of Council with the only apparent obligation to pay 30% thereof to council (as per clause 15 of the agreement).

Attached hereto Annexures page 15, the standard letter sent by TMN to Matjhabeng Businesses Owners.



DISCUSSION

- A) Section 33(1) of the Municipal Finance Management Act No.56 of 2003 states:
- "A municipality may enter into a contract which will impose financial obligations on the municipality beyond a financial year, but if the contract will impose financial obligations on the municipality beyond the three years covered in the annual budget for that financial year, it may do so only if—*
- (a) ...
 - (b) ...
 - (c) *The municipal council has adopted a resolution in which—*
 - (i) *it determines that the municipality will secure a significant capital investment or will derive a significant financial economic or financial benefit from the contract;*
 - (ii) *it approves the entire contract exactly as it is to be executed; and*
 - (iii) *it authorises the municipal manager to sign the contract on behalf of the municipality.*
- Whereas the agreement exceeds 3 (three) years and does impose a financial obligation by council (i.e. non recovery of 70% of tariffs) the agreement should have served before council for approval.
 - It is common knowledge that no such council approval exists.

- B) Section 3.39 of Council's Supply Chain Management Policy states that "No goods, services or the execution of work –
- a) *the estimated cost of which is likely to exceed R 200,000 (VAT included); or*
 - (b) *involving the entering into by the Municipality of a long-term contract shall be acquired unless a competitive bidding process has been followed."*
- From what can be ascertained no timeous competitive bidding process was followed in the appointment of TMN.

- C) Section 13 of the Municipal Systems Act No. 32 of 2000 states:
- "Publication of by-laws.—A by-law passed by a municipal council—*
- (a) *must be published promptly in the Provincial Gazette, and, when feasible, also in a local newspaper or in any other practical way to bring the contents of the by-law to the attention of the local community; and*
 - (b) *takes effect when published or on a future date determined in or in terms of the by-law.*
- Only once the by-laws have been promulgated can it be enforced and failing such promulgation the appointment of contractors to administer same is futile.

FINANCIAL IMPLICATION

As set out herein with specific reference to Clause 15 of the invalid agreement.

RECOMMENDATIONS

Council resolves:

1. That the contract in its entirety be declared null and void.
2. That the awarding of a future contract be kept in abeyance until the applicable By-Law and Policy has been subjected to public participation as per the Systems Act, approved by Council and promulgated in the Government Gazette.
3. That the Supply Chain Management Policy procedures be followed should council resolve to outsource the administration of the policy and by-law.



I thank you in advance
Regards

A handwritten signature in black ink, appearing to read "Botha". It is written in a cursive style with some loops and variations in line thickness.

Cllr PF Botha

Memorandum of agreement (BILLBOARDS)

Entered into by and between

THE MUNICIPALITY OF Matjhabeng

(hereinafter referred to as "the Municipality")

And

The Media News



1. The Municipality grants The media News the right to provide and administer advertising on commercial signs on street light standards and erect digital billboards within the MUNICIPAL AREA OF MATJHABENG.
2. The date of Commencement is the date of signature hereof by both parties.
- 3.1 The agreement shall endure for a period of 5 years commencing from signature day by or on behalf of the parties.
- 3.1 Either party shall have the right to terminate the agreement 1 month prior to the expiry date of the period as in clause 3.1 above, by way of prior written notice, failing which, the duration of this agreement shall be deemed for all purposes to have been extended for another period of 5 years terms and conditions as set out herein.

4. Provision of commercial signs

4.1 The Media News is responsible for the manufacture, affixing, maintenance of the control over all the signs, and for the cost related hereto.

4.2 It is specifically agreed upon between parties that

4.2.1 No sign erected at robot intersection will predominantly contain the colours red, orange or green and all signs shall comply with accepted standard of propriety and morality.

4.2.2 No sign will be erected in a manner which it will in the opinion of the municipality obstruct or obscure passing traffic including pedestrians etc. OR any road sign, street name or any other existing legal sign or advertisement.

4.2.3 No sign will be fixed or left in a position or in a condition so as to be a real or potential danger to any person, animal or vehicle.

4.3 The media news shall whether of its own accord or upon the written request of the Municipal, either repair or remove at their own cost all signs which become defective in any respect or which do not comply with the requirements of 5.2 supra.

4.4 Should the media news fail, with in ten(10) days of a request addressed to them, to give effect hereto, the Municipality shall be entitled to do or to have done such repair or removal, and to recover the costs arising concerned therefrom from The Media News.

4.5 Any sign, which is removed on the ground of noncompliance with the requirements may not be re-erected before the cause of removal has been rectified.

4.6 Notwithstanding attachment by whatever means and/or any other provisions of this agreement, the ownership of all the signs remain vested in The Media News.

5 Erection and use of digital billboards

5.1. In respect of each billboard to be erected the following shall be submitted by the media news to the department director.

A) Detailed drawings and specifications of the proposed sign, which must comply with the specifications as laid down by the General Manager: Roads storm water (Engineering Department)

B) An engineer's certificate certifying that the proposed sign was designed by a professional structural engineer;

C) Detailed specifications of electrical connections , lights and wiring for approval by the Manager: Electrical engineering services.

5.2. The construction/erection of the sign shall not commence with, without the prior written approval of the Municipality subject to any condition the Engineering Management may deem appropriate.

5.3. Once a digital billboard is erected and a continues electricity supply is required to illuminate the board, the Media news shall apply in the prescribed manner to the electricity department for a connection to the electricity supply.

5.4 The digital billboard shall be erected at The Media News expense.

5.5. The digital billboard shall be neatly and properly erected in accordance with the approved drawings and specifications, and finished in a workmanlike manner.

5.6. In the event of any damage caused to the road or any underground services during the erection, maintenance or any other actions by the company of the digital billboard, the Media News shall at its own cost repair such damage to the satisfaction of the Municipality.

6 . Electricity supply

6.1. In the erection of digital billboards and illuminated signs, The Media news agrees to take all such steps as may be certified by the executive Manager: Electrical and Mechanical Engineering, to ensure that electrical power supplied to the illuminated signs would arrive from the streetlights grids and that such units will switch on and off together with streetlights.

6.2. The Media News undertakes to comply with all relevant legislation including by laws amended from time to time. The onus lies on the Municipality to inform The Media News regarding any amendments to these By laws, which may occur.

6.3. The Media News undertakes to inspect empty frames and on a regular basis and to maintain them in a safe and attractive condition. In the event of the Municipality drawing attention of The Media News, in writing to a sign and/or frame needing maintenance, and The Media News failing to carry out the necessary maintenance within seven (7) days of receiving such written notice, then the Municipality shall be entitled to place The Media News in mora, by giving The Media News a further final notice served on The Media News at its chosen Domicilium to perform within seven (7) days. Should The Media News thereafter fail to comply with the final notice, such failure shall constitute a material breach of this agreement.

6.4 The Municipality shall endeavour to provide the media news with a continues supply of electricity to illuminate the digital billboards, but all cost pertaining to such supply, namely the cost of the electricity cable connections, the electricity meter and the connection of the digital billboard to the municipalities electricity supply as well as the maintenance of the aforementioned system, shall be for the account of The Media News.

7.5. The cost of the electricity consumed shall be for the account of The Media News. However, if for whatever reason, the electricity supply cannot be metered, the municipality shall, in accordance with generally acceptable power consumption formulae determine what it considers to be a fair and reasonable cost for the electricity consumed and the company shall make payment therefore on demand.

8. Maintenance of digital billboards

8.1. The Media News shall keep and maintain the digital billboard and its surrounds in a safe clean neat and tidy condition to the satisfaction of the municipality.

9. Alteration to the Digital Billboards

9.1. Subject to compliance with the relevant legislation, the parties agree that The Media News shall, during the currency of this agreement, have the right at any time, with the prior written consent of the Municipality which consent shall not unreasonably be withheld,

- 1) To change the branding of the Digital Billboard
- 2) To change the design or format of the Digital Billboard
- 3) To change the content of advertisement on the Digital Billboard

10 The Media News Access to site

The Media News or its duly authorised employees agents consultants and representatives shall be entitled at any reasonable time during the currency of this agreement to have access to the site to change the advertisement, to carry out repairs, alterations and the general maintenance of the digital billboard itself, provided that The Media News shall notify the Municipality at least 3 working days prior to the commencement of any of the aforementioned actions, if such action/s will in anyway impede normal traffic flow.

11 Obscuring of the digital billboard

In the event the Digital Billboard being obscured due to actions of the municipality to the extent that it has been rendered unfit for the display of advertisements, then, provided that the cause of such obscuration cannot be removed by the Municipality, the company shall

be entitled to identify in cooperation with the Municipality a replacement site of value within 60 (sixty) days which the Municipality shall make available to the company, failing which this agreement shall lapse. The cost of the relocation of the sign (if applicable) shall be for the cost of The Media News.

12 Compliance with Legislation

12.1 The media news undertakes to comply at all times with the applicable national provincial and municipal legislation or similar regulation provisions.

13 special condition

13.1. In addition to the safety standards set out in the applicable bylaws, legislative enactment or regulatory provisions, the following conditions shall apply:

13.1.1. The visibility of traffic signals or traffic signs may not be affected by the digital billboards.

13.1.2. All traffic signal heads must be clearly visible to oncoming motorists, without any advertisement in background, from a distance of 100 (one hundred) meters before the signal and stay visible until the signal stop line is crossed.

13.1.3. The occurrence of road accidents should not increase as a result of the erection of the Digital Billboard in a particular location.

13.2. If, the digital billboard erected does not comply with par 10,1,1 10,1,2 10,1,3 the Municipality may instruct the company to relocate the sign to a site agreed upon by the parties, failing which the Digital billboard is to be removed within sixty (60) days of notification to move such billboard. The relocation or removal of the Digital Billboard is the responsibility of The Media News, and the cost involved shall be for the account of The Media News.

13.3. Should it be necessary to remove the digital billboard as a result of roadworks of whatever nature or the relocation or upgrading of services or whatever other reason deemed necessary by the municipality the Digital Billboard may be relocated to a temporary or permanent site approved by the municipality. The company shall move the sign within sixty days of the written notification to move such Digital billboard, provided that, should an acceptable relocation site not be identified within this period, the digital Billboard shall immediately be removed by the company. All cost involved in the relocation or removal of the sign shall be for the account of the company. The

Municipality shall not be liable for any damages of any nature arising from such actions.

13.4. The municipality may in its sole direction carry out any maintenance and effect any alterations to its property at any time and should such maintenance and/or alterations effect the digital billboard, the municipality shall not be liable for any damage to the Digital billboard arising from such maintenance and/or alterations, whether such damage was caused by negligence, or was the result of the actions of the Municipality, its employees, contractors or representatives. The Municipality shall furthermore not be liable for any loss of income or any damage, caused by such maintenance/alterations, that the media news may suffer.

13.5. The digital billboard is to comply with the South African Traffic signs Manual as revised from time to time and the meaning and content of which the company is familiar with. The Media News shall comply with the Manual.

13.6. No existing trees shall be removed, cut back or trimmed in order to improve the visibility of the sign without prior consent from the municipality.

13.7. The Digital billboard is to be positioned in such a way that it is not necessary to disturb the root system, during or after construction.

13.8. Any approval granted in terms of this agreement must be in writing.

13.9. Should any condition or term of this agreement be contrary to any existing laws of the province, the provision of such by-law shall prevail.

13.10. Within 30 days after the erection of the digital billboard, the company shall provide the surveyed GPS co-ordinates of the location digital billboard.



14 Ownership

14.1. Ownership of the digital billboards and all accessories thereto shall for the duration of the agreement remain the sole and absolute property of The Media News once the following contract expires the digital billboards shall be the property of the Municipality should the contract not be renewed under the same conditions or accepted amendments by both parties .

14.2. Should this agreement or part therefore be terminated for any reason The Media News Shall at its own expense remove the digital billboards affected by such termination together with its visible foundations and accessories as aforesaid from the site, repair any damages caused by the removal of the digital billboard and leave the site in a clean, tidy and safe condition to the satisfaction of the Municipality, within 60 (sixty) days of the date of termination of the agreement.

14.3. Should the following agreement be terminated within the first agreed upon period of 5 years the digital billboards and all its accessories shall remain the property of The Media News.

15 Compensation

15.1. The Media News shall pay monthly to the Municipality compensation of 30% of turnover on billboard advertising.

15.2. The Media News agrees to pay this compensation to the municipality monthly in arrears on or before the 15th day of the month after the month to which such compensation relates.

A handwritten signature in black ink, appearing to read "J. M. K.", is positioned in the bottom right corner of the page.

16 Indemnity And Public Liability Policy

(STREET POLE ADS)

- a. The Media News indemnifies the Municipality from any claim or legal process of whatever nature may arise as a result of the manufacturing, erection, maintenance, use or other cause related to any sign and/or the content or wording of any advertisement which is displayed in or any sign, which indemnity includes cost which the municipality may incur in protecting its rights, and indeed on a basis as between attorney and own client.
 - b. The Media News shall at its own cost and to the satisfaction of the Municipal Manager take out and maintain for the duration of this agreement a public liability policy in terms of which the Municipality under contract are fully covered for their respective rights and interests. The policy shall provide for coverage of at least R2 million, with the number of events unlimited.
 - c. Documentary proof that the full premium has been paid shall be submitted to Municipality for approval, within 14 days from written request therefore.

(DIGITAL BILLBOARDS)

- d. The Media News shall at its own cost and to the satisfaction of the Chief Financial Officer take out and maintain for the duration of this agreement and any extension thereof, a public liability insurance policy in terms of which the Municipality and The Media News are fully covered for their respective rights, interests and liabilities. The policy shall provide for the coverage of at least R5000000 (FIVE MILLION RAND) per event, with the number of events unlimited; provided that the chief financial officer reserves the right, in his sole discretion, to require such increased coverage under the said policy which he may deem necessary. Written proof that the full premium has been paid shall be submitted to the chief financial officer for approval within 14(fourteen) days of date of signature of this agreement, provided that the Chief Financial Officer shall further be provided with written proof of each annual renewal of the said policy until expiry of this agreement or of such extended term as may be agreed upon between the parties.

e. The Media News indemnifies the Municipality against claims whatever nature as well as legal costs (inclusive of costs on attorney/client scale) which may directly result from any action or omissions by The Media News.

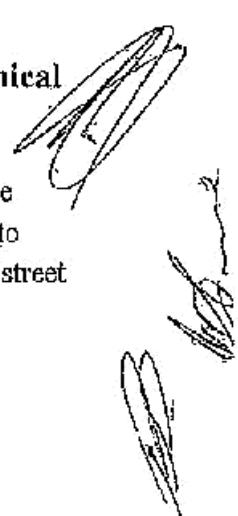
17 Approval of recepticals

- a. The Media News agrees to submit for the approval of the corporate Executive Manager: Engineering services of the Municipality and the Executive Manager: Electrical and Mechanical Engineering of the Municipality, Comprehensive plans induplicate showing the final structural design and location for each type of frame and sign. In any frame and/or sign does not, in the sole opinion of either, or both of the corporate executive Manager: engineering services or Executive Manager: Electrical and Mechanical Engineering, meet the requirements of South African Outdoor Advertising Policy, The Media News shall erect the Sign.
- b. The Media News undertakes to comply with all relevant legislation including by-laws as amended from time to time.

18 Removal of illegal signs

- a. Before using a site, the media news shall at no cost to the Municipality, take all steps necessary to remove all previous and/or unapproved signs.
- b. For the duration of the contract , The media news shall at no cost to the municipality, take all steps reasonably necessary to remove all unapproved signs on lamp standards throughout the Matjhabeng Municipal District

19 . Requirements of the Executive Manager: Electrical and Mechanical Engineering.

- 19.1. The Media News agrees to take all steps that may be certified by the Executive Manager: Electrical and Mechanical engineering of the Municipality as reasonable, to ensure that the electrical power supply to all illuminated signs will derive from the street light grid and that the units will switch on and off together with the street lights.
- 

- 19.2. The media news shall be responsible for paying all costs associated with the connection to the electrical street grid, together with the cost of current consumed by illuminated signs, which costs will be determined by the Executive Manager: Electrical and Mechanical Engineering from time to time.
- 19.3. The media news agrees that all electrical components such as fluorescent tubes, ballasts, wiring, switches, circuit breakers, etc are to be of the highest quality and SABS approved .
- 19.4. The Media News agrees that all such illuminated signs shall be power factor corrected and television suppressed.
- 19.5. The Municipality and the media news agree that in order to ascertain the various spheres of responsibility between the Municipality and The Media News, a 5-amp circuit breaker must be fitted inside each illuminated sign to the satisfaction of the executive Manager: Electrical and Mechanical Engineering.
- 19.6. The media news is willing to submit, on request, for the approval of the Corporate Executive Manager: engineering services of the Municipality and the executive manager: Electrical and Mechanical Engineering of the Municipality, comprehensive plans in duplicate showing the final structural design and location for each type of frame and sign.

20 Cession of rights

The Media news shall not be entitled to cede its rights or any part thereof under this agreement or assign its title or interest or delegate its obligations in terms of this agreement without prior written consent of the Municipality which consent shall not be reasonably withheld. This clause will not prevent the company from entering into the normal advertising contract with third parties in respect of the advertising displays on the sign.

21 Breach of contract

Should The Media News at any time during the currency of this agreement fail to pay the amounts due in terms of this agreement on due date and remain in default for 15 days after receipt of a written notice from the municipality requiring the payment to be made or commit any other breach of the conditions of the agreement and fail to rectify the breach within 30(thirty) days of receipt of written notice requiring it to remedy the breach, then, the Municipality shall have the right forthwith to cancel this agreement and to terminate The Media News rights hereunder, without prejudice to any claim that the Municipality may have against The Media News for payment of any charges or fees charges or fees outstanding and/or any damage which it may sustain by reason of termination of this agreement .



21.1) Should any party refuse or neglect to comply with any of the provisions of this agreement, the other party may give written notice that the breach is to be rectified within 14(fourteen) days of dispatch of the said notice, failing which the party giving notice shall be entitled to claim specific performance of the terms and conditions of this agreement, and in either case claim such damages as the party giving notice may have suffered.

22 General

22.1. Jurisdiction

Notwithstanding the amount or the case of action, both parties consent to the jurisdiction of the appropriate magistrate's court for the determination of any dispute, which arise from this agreement.

22.2. Entire agreement

This document contains the entire agreement between the parties and no amendment, additional, deletion or substitution therein or thereof shall have any force or effect unless reduced to writing and signed by all the parties thereto.

22.3. No relaxation of the terms of this agreement by either party and no indulgence which may expressly or by implication be given to the other party shall in any way prejudice the rights of either one of the parties under this agreement will be capable of constituting a waiver of any such rights, or otherwise operate to limit, modify or later any parties right under this agreement.

22.4. Notice

22.4.1. Any notice in terms of this agreement or arising there from shall be in, shall be mailed to the addressee by pre-paid registered mail.

22.4.2. A notice so dispatched shall deem to have reached the addressee on the 3rd (THIRD) day after being so sent, proof of the contrary resting upon addressee.

22.5. Domicilium

22.5.1. The Parties choose their physical addresses reflected on paragraph 24 hereof as their respective domicilium citandi et executandi.

22.5.2. Each party is entitled to change his domicilium by notice to other: Provided that such altered domicilium is not a post office box, private bag or poste restante address and provided further that is situated within the borders of the Matjhabeng Municipal District.

22.6. Postal addresses

The parties respective postal addresses are as is reflected on paragraph 24 hereof.

Any Party is entitled to change his aforesaid postal address by notice to the other.

23. The parties accept domicilium çitandi etexecutandi at:

23.1. The Municipality

Physical Address

Matjhabeng Local Municipality

Corner of Stateway and Rijikstreet

Welkom

9460

Postal address

Matjhabeng local municipality

Po box 708

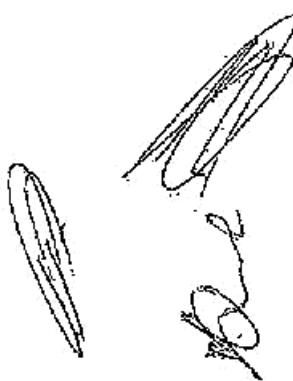
Welkom

9460

24 Physical Address

The Media News

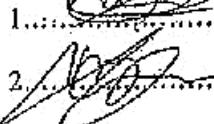
Postal Address

A handwritten signature consisting of several stylized, overlapping lines.

14/05/2017

Thus done and signed at Welkom on this 02 day of the
MAY....2017.

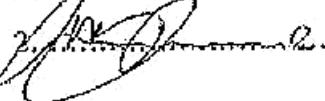
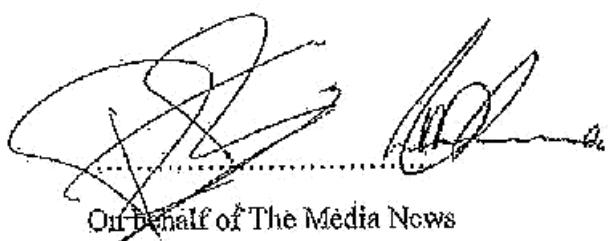
Witnesses

1.....2.....


ON BEHALF OF THE MUNICIPALITY
 ACTING MUNICIPAL MANAGER

Thus done and signed at Welkom on this.....02..... day of the
MAY....., 2017.

Witnesses

1.....2.....


On behalf of The Media News

MATJAHENG MUNICIPALITY
MUNICIPAL MANAGER
02 MAY 2017
Received By:
Signature:



MATJHABENG OUTDOOR ADVERTISING CONTROL



Address: Room 41, The Strip, Stateway, WELKOM, 9459 - Postal Address: P.O.Box 4102, WELKOM, 9459
 Email address: info@themedianews.co.za / accounts@themedianews.co.za - Tel: (057) 353 1333/4 - Fax: 086 459 652

183 CONSTANTIA - 183

15/12/2017

TO WHOM IT MAY CONCERN:

WE ACT ON BEHALF OF MATJHABENG MUNICIPALITY.

In terms of By-laws In section 12 of the Local Government; Municipal systems Act, 2000 (Act 32 of 2000):

Section 156 (1) of the constitution of the Republic of South Africa [Act 108 of 1996] confers on Municipalities the right to administer local government matters listed in part B of Schedule 4 & 5.

Section 156(20) of the constitution empowers municipalities to make, establish and administer By-laws for the effective administration of the matters, which it has the right to administer and the Control OF OUTDOOR ADVERTISING falls within the ambit of the powers vested in the Municipality.

As such the Matjhabeng Municipality has appointed The Media News as its "Authorised agent" to act on its behalf in the application and administration of Municipal By-laws for Outdoor Advertising control.

In terms of The Matjhabeng Municipal By-laws - chapter 1, section 2, (2.1) no person shall erect, distribute, maintain or display a sign or allow any other person to erect, distribute, maintain or display a sign in a place or on a building or structure that is visible from any public space without the consent of the Municipal Manager.

In terms of chapter 1 section 3 (1) every application to display a sign on private premises or on municipal premises must be signed by the person and/or persons required by the municipality and must be submitted for approval to the Municipal Manager on the appropriate Application form, in accordance with the application procedures approved by the municipality, as amended from time to time.

In accordance with chapter 1 section 3 (3) every application must be accompanied by an application fee and where applicable a deposit as prescribed by the municipality from time to time.

Please note that all signage must comply with municipal By-laws as mentioned in the terms. To ensure that your signage is in line with Municipal Legislation please contact the Matjhabeng Municipality's "Authorised agent"; The Media News to assist you with compliance.

The Application process is:

- (a) To complete a compliant Information form – specifying every sign required;
- (b) Where after an Application form for completion for each sign specified and tariffs will be received;
- (c) Completed application form and proof of payment is then to be submitted in order to log the application (Only applications which meet the standard documentation requirements will be accepted and processed);
- (d) Evaluation of application – under consideration will be environmental-, traffic safety -, aesthetic -, and architectural aspects.

To avoid removal/confiscation of signs in terms of chapter 3 section 20(1) or legal action kindly complete the attached documents and return it within 7 days in order to start the process to rectify the matter.

Should you need further assistance and/or information please do not hesitate to contact JEREMIAH MATSEMELA on 057 353 1333 / 060 870 6766.

Yours sincerely

Operations Manager

JEREMIAH MATSEMELA