

MINUTES

of the

**3RD ORDINARY COUNCIL MEETING
FOR THE YEAR 2017**

of

MATJHABENG MUNICIPALITY

held on

WEDNESDAY, 31 MAY 2017

at

15:00

at the

**COUNCIL CHAMBERS, CIVIC CENTRE,
WELKOM**

I

COUNCILLORS ATTENDANCE

3RD ORDINARY COUNCIL MEETING MINUTES: 31 MAY 2017

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

II

EXECUTIVE MANAGEMENT

Mr ET Tsoaeli	:	Acting Municipal Manager
Mr T. Makofane	:	Executive Director: Strategic Support Services
Mr FF Wetes	:	Executive Director: Corporate Services
Me HB Maswanganyi	:	Executive Director: Infrastructure
Me M. Mothekhe	:	Acting Executive Director: LED, Planning & HS
Mr MT Atolo	:	Acting Executive Director: Community Services
Me L. Williams	:	Acting Chief Financial Officer

COUNCIL ADMINISTRATION SECRETARIAT

Me PP Seleka	:	Admin Officer (Corporate Services)
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III

(a)	Opening <p>The Speaker welcomed everybody present at the 3rd Ordinary Council meeting for the year 2017 and declared the meeting open.</p>
(b)	Applications for leave of absence <p>See Councillors' attendance list on page 1 of these minutes.</p>
(c)	Official announcements of the Speaker <ol style="list-style-type: none"> 1. The Speaker informed members that his Office has received a notice of resignation as a Ward 3 Councillor from Cllr CJ Schlebusch and the notice had been forwarded to the Office of the Municipal Manager for administrative processes. 2. He also informed members that after the 2016 local government elections, SALGA conducted an induction for all Councillors and those Councillors who did not attend that induction are required to attend the induction that would be conducted between the 12th and the 15th of June 2017 at Ferdie Meyer hall.
(d)	Reports of the Speaker in terms of rules 15(1) and 99(4) <p>None.</p>
(e)	Tabling of documents prescribed by statute or these rules and orders <p>None.</p>
(f)	Applications and appeals from Councillors in terms of rules 14(1), 67 and 72 <p>None.</p>
(g)	Reports received from the Speaker <p>A44/2017 – A48/2017 & C6/2017</p>
(h)	Motions of sympathy and congratulations by the Speaker <u>Sympathy</u> <p>The Speaker conveyed a message of condolences to the families of two girls who had been kidnapped in front of Goldfields College and Sylvania Spar respectively, and called upon all Community leaders to be vigilant and find a way of dealing with the social ills that are plaguing our communities and South Africa as a whole.</p>
(i)	Motions of sympathy and congratulations by other Councillors <u>Sympathy</u> <ol style="list-style-type: none"> 1. Cllr VR Morris expressed his compassion with regard to the former Cllr PP Mholo who had been reported missing for the past month and indicated that they have been praying for his safety and hoping that he would be found soon. 2. Cllr MD Masienyane conveyed a message of sympathy to the family of a girl who was raped in his Ward and indicated that the perpetrator had been arrested. 3. Cllr MS Chaka conveyed a message of condolences to the Lekhoba family for the passing on of their son. 4. He also conveyed a message of condolences to the Ramohapelo family for the passing on of their father, Mr David Ramohapelo who was already buried. 5. Cllr MJ Khothule informed Council of an incident where two houses in Ward 36 were burnt down and conveyed a message of sympathy to the three families that were admitted to Pelonomi Hospital as a result of this incident.

IV

	<p>6. Cllr HCT van Schalkwyk informed Council that during his visit to the Jonas family whose house was burnt down in his Ward in Doorn, he learnt that the Executive Mayor assisted them with accommodation and therefore thanked him for his assistance.</p> <p>7. He also conveyed a message of sympathy to the Seiso family in Koppie Alleen Street for the passing on of their daughter who would be buried on the 3rd June 2017.</p> <p>8. Cllr TJ Mosia conveyed a message of condolences to the Fubu family for the passing on of their grandmother who would be buried on the 3rd June 2017.</p> <p>9. Cllr SJ Tsatsa conveyed a message of condolences to the Chautsane family residing in 12589 for the passing on of their daughter.</p> <p>10. He also conveyed a message of condolences to the Tlhone family residing in 3946 for the passing on of their daughter.</p> <p>11. He further conveyed a message of condolences to the Tsotsotso family residing in 5470 for the passing on of their mother.</p> <p>12. He lastly conveyed a message of condolences to the Motaung family residing in 3916 whose son was brutally murdered.</p> <p><u>Congratulations</u></p> <p>1. Cllr VR Morris congratulated the Executive Mayor for looking very smart and presentable in his new outfit.</p> <p>2. He also congratulated the Wits University football club for being crowned PSL Champions and Orlando Pirates for being in the Nedbank Cup finals.</p> <p>3. Cllr KR Tlake congratulated Me M. Mogopodi, a former Executive Director of the Municipality on her appointment as a Municipal Manager at Tswelopele Municipality.</p> <p>4. The Executive Mayor, Cllr NW Speelman congratulated Me Malehloa Leballo for obtaining her degree in Tourism and Mr Moema for obtaining his degree.</p> <p>5. Cllr TJ Thelingoane congratulated Cllr TD Khalipha for a very successful award ceremony that was conducted in his Ward and indicated that he deserved to be applauded for conducting this event on a yearly basis.</p>
(j)	<p>Deputations and interviews</p> <p>None</p>
(k)	<p>Disclosure of interest</p> <p>The Speaker urged Councillors to update their declaration forms at the office of the Municipal Manager, however if a Councillor has a personal/financial interest on any matter for consideration by Council, such Councillor has to declare his/her interest in the meeting.</p> <p>He also indicated that the Auditor General had raised a concern with regard to compliance and as a result an assessment would be done on each file to determine those Councillors who fail to declare their interests.</p>

V

(l)	<p>Minutes of the previous meeting: 28 March 2017</p> <p><u>Council resolved: (31 MAY 2017)</u></p> <p>1. That the minutes of the 2ND Ordinary Council meeting held on 28 March 2017 be adopted as a true reflection of what transpired in the meeting.</p> <p>Minutes of the previous meeting: 11 May 2017</p> <p><u>Council resolved: (31 MAY 2017)</u></p> <p>1. That the minutes of the 2ND Special Council meeting held on 11 May 2017 be adopted as a true reflection of what transpired in the meeting.</p>
(m)	<p>Matters arising from the minutes: 28 March 2017</p> <p>A32/2017</p> <p>Cllr HS Badenhorst wanted feedback with regard to the Sedibeng matter. The Executive matter explained that they have met with Sedibeng and they are still on discussions and trying to persuade them to write off the debt but the current account is paid on a monthly basis.</p> <p>A40/2017</p> <p>Cllr KR Tlake wanted to know progress with regard to street naming as the regulation stipulates that no one will vote in 2019 if he does not have a fixed address and the Executive Mayor indicated that they are aware that the street naming is not finalized yet but they have realized that the GIS should be involved as well to avoid confusion.</p> <p>The Executive Mayor also indicated that the matter of bestowing Cllr JS Marais is being dealt with.</p>
(n)	<p>Questions of which notice had been given</p> <p>None</p>
(o)	<p>Reports of the Executive Committee/ Executive Mayor/ Committee Reports</p> <p>A49/2017 – A85/2017 & C3/2017 - C5/2017</p>
(p)	<p>Reports of decisions taken under delegated powers</p> <p>None</p>
(q)	<p>Motions</p> <p>None</p>
(r)	<p>Closing</p> <p>The Speaker thanked everyone present and closed the meeting at 23h30.</p>

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CLLR B. STOFIE (SPEAKER)

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DATE

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Cllr N.R. Manzana was appointed to preside in order to allow the Speaker to present Items A44/2017 – A48/2017 to Council.

A44/2017

DRAFT SCHEDULE OF COUNCIL MEETINGS (SPEAKER) (3/1/3/1)

PURPOSE

To submit the proposed schedule of Ordinary Council meetings from August 2017 to May 2018 to Council, for consideration.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the Schedule of meetings.

A45/2017

PAPERLESS AGENDA DEVICE POLICY (SPEAKER) (2/2B)

PURPOSE OF THE REPORT

The purpose of the report is to submit to Council for the adoption of the policy on Tools of Trade for consideration.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **APPROVES** the paperless Policy.
2. That a workshop **BE CONDUCTED** for Councillors.
3. That the mistake done under financial implications of the item should **BE CORRECTED** to indicate that there are financial implications.
4. That at the Council meeting scheduled for the 30th August 2017, all Council documentation would be **DISTRIBUTED ELECTRONICALLY** and Councillors are expected to operate their gadgets/ laptops during the meeting.

A46/2017

WARD PROFILE ON FOREIGN NATIONALS (SPEAKER) (3/3/20)

PURPOSE

To have a detailed Ward Profile on Foreign Nationals.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council requests Ward Councillors **TO COMPILE** a Ward Profile of each household in the entire Ward including all business activities that are happening in the area, within a period of ninety (90) days.
2. That Ward Councillors **SHOULD UTILIZE** Ward Committees, CDWs, and CLOs to collect the information and submit it for compilation and that duty could be balanced in their score-card.
3. That Ward Councillors who would not be able to submit the profile within a period of 90 days **COULD REQUEST** an extension and assistance from the Office of the Speaker.

A47/2017

ROAD ACCIDENT FUND AND ACHIEVEMENTS (SPEAKER) (20/2/1/14)

PURPOSE

To submit to Council for noting the success of the Road Accident Fund (RAF) on the Road: Matjhabeng Local Municipality on 6 May 2017 at Thabong Community Centre.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the activity by the Road Accident Fund that took place in our Municipality.

A48/2017

UPDATE ON THE WARD COMMITTEE REPORTS (SPEAKER) (3/1/4/3)**PURPOSE**

To submit to Council for noting the progress of Establishment of Ward Committees in line with Circular 29 of 2016 as circulated by the Minister of cooperative governance.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** that the set programmes in Circular 29 of 2016 were adhered to in full by the Office.
2. That Council **TAKES NOTE** that the Office will be conducting training on report writing and minutes taking for Ward Committee Secretaries in the month of June 2017.

//The Speaker resumed his position//

A49/2017

PROGRESS REPORT ON SUNELEX PROJECT SINCE MARCH 2015 (EXECUTIVE MAYOR) (19/3/2/1)**PURPOSE**

To present to Council progress on the Sunelex project since 31 March 2015 and additional information required.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTES** of the progress on the Sunelex project.
2. That all outstanding matters pertaining to the project **BE FAST TRACKED**.
3. That a technical team headed by the Executive Director: Infrastructure be **ESTABLISHED** and submit quarterly reports to Council.
4. That the exact contract as prescribed in Section 33 (1) (c) (ii) of the MFMA **MUST BE SERVED** before Council as soon as possible, for Council to pronounce itself on it before it authorises the Municipal Manager to sign it on behalf of the Municipality.

A50/2017

MONTHLY FINANCE REPORT – MARCH 2017 (EXECUTIVE MAYOR)
(6/1/2/2)

PURPOSE

To submit to Council the monthly Finance Report for March 2017, in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That the Finance Report for March 2017 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE NOTED**.
2. That the Finance Report for March 2017 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE SUBMITTED** to Provincial and National Treasury.

A51/2017

THREE MONTHS FINANCE REPORT – JANUARY - MARCH 2017
(EXECUTIVE MAYOR) (6/1/2/2)

PURPOSE

To submit to Council the three Months Finance Report for January – March 2017 in terms of Section 52(d) of the Municipal Finance Management Act, number 56 of 2003.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That the Finance Report for the Quarter (January – March 2017) in terms of Section 52(d) of the Municipal Finance Management Act, number 56 of 2003, **BE NOTED**.
2. That the Finance Report for the Quarter (January – March 2017) in terms of Section 52(d) of the Municipal Finance Management Act, number 56 of 2003, **BE SUBMITTED** to the Provincial and National Treasury.
3. That the billing error of **R297 064 593.42** in Ward 32 reflected in page 67 of the Annexures must **BE CORRECTED** as it affects the payment percentage of Ward 32.

A52/2017

MONTHLY FINANCE REPORT – APRIL 2017 (EXECUTIVE MAYOR) (6/1/2/2)

PURPOSE

To submit to Council the Monthly Finance Report for April 2017 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That the Finance Report for April 2017 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE NOTED**.
2. That the Finance Report for April 2017 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE SUBMITTED** to Provincial and National Treasury.
3. That the Compensation Commission must also **BE PRIORITIZED** like Sedibeng and Eskom.
4. That Management is not sure of the figures that are not adding up in the budgeted overtime report that is reflected on page 73 of the Annexures but **WILL INVESTIGATE** and **INDICATE** the actual figures in the May Section 71 report.

A53/2017

CURRENT STATUS OF THE MUNICIPAL INFRASTRUCTURE GRANT (MIG) CAPITAL PROJECTS IN MATJHABENG LOCAL MUNICIPALITY (EXECUTIVE MAYOR) (6/4/1)

PURPOSE

To provide information on the current status of capital projects and related MIG expenditure progress for the month of **April 2017**.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the report.
2. That the PMU must **SPEED UP** the appointment of contractors.

A54/2017

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

PURPOSE

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

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the progress report on Council Resolution Audit.

A55/2017

**INTEGRATED DEVELOPMENT PLAN 2017/22 (IDP) (EXECUTIVE MAYOR)
(9/3/1)**

PURPOSE

To present to Council the draft Integrated Development Plan 2017/22 for adoption in terms of chapter 5 of the Municipal Systems Act, Act Number 32 of 2000.

DISCUSSION

The Executive Mayor informed Council that **Items A55/2017 and A56/2017** would be presented concurrently.

During the discussion of **Item A55/2017**, several Councillors raised their concerns with regard to issues that were raised during the public participation processes, which were not reflected in the IDP document.

After lengthy discussions and several inputs, a suggestion was made that the Offices of the Speaker and the Municipal Manager be allowed to collect all inputs and issues that were raised during the public participation processes in all 36 wards to be integrated in the IDP document before it is submitted to the Provincial MEC for Corporate Governance and Traditional Affairs.

A resolution on **Item A55/2017** was taken after the presentation of **Item A56/2017** as both items were discussed concurrently.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **ADOPTS** the Integrated Development Plan for 2017/22 for Implementation.

2. That the attached implementation/action plans on specific policies **BE APPROVED** for implementation in the 2017/2018 financial year.
3. That all IDP related policies which have been approved by Council in the past **BE NOTED** for continued application and that a revision, where necessary, be initiated as proposed in the attached report.
4. That all issues that were raised during the public participation processes in all 36 Wards must **BE INCORPORATED** in the IDP document before it is submitted within the prescribed period to the Provincial MEC for Corporate Governance and Traditional Affairs.
5. That the approved Integrated Development Plan must **BE PUBLISHED** in the Municipal website.

A56/2017

THE 2017-2018 ANNUAL BUDGET FOR THE MATJHABENG MUNICIPALITY **(EXECUTIVE MAYOR) (6/1/1)**

PURPOSE

To table the 2017-2018 Annual Budget (MTREF) for adoption by Council.

THE EXECUTIVE MAYOR'S REMARKS

The Executive Mayor informed members that the R2.4 billion budget he was tabling was aimed at changing the lives of Matjhabeng people by ensuring that the most basic municipal functions are performed in line with set standards.

He mentioned that the Budget was ward-based in order to address service delivery objectives and to address the needs of the community of Matjhabeng, such as, youth development, unemployment which increases the number of indigents, sports development etc.

He indicated that his key focus would be on maintenance of Roads, Water and Sanitation, Electricity, Sports Development, Marketing and Tourism.

He also stated that because of the declining cash flow, revenue enhancement strategies would be strengthened through Operation Patala to increase the collection rate up to 85%.

He informed members that the Welkom Cargo Airport would be operational, sites would be allocated, hotels would be built, cooperatives would be assisted, the yellow fleet would be purchased and big investors would be attracted to come and invest in Matjhabeng area.

In conclusion, the Executive Mayor thanked all Councillors for working together to take Matjhabeng forward.

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The Executive Mayor indicated that the Total Annual Budget for the 2017/18 financial year was **R2 480 389 358** and the Capital Budget for the 2017/18 financial year was **R181 216 000**.

The Executive Mayor stated that the tariff rates for 2017/18 financial year would increase according to the following percentages:

- (a) Water tariffs would be increased by 6.4%
- (b) Electricity tariffs would be increased by 1.88%
- (c) Assessment rates would be increased by 6.4%
- (d) Refuse and sewerage rates would be increased by 6.4%
- (e) General tariffs would be increased by 6.4%.

DISCUSSION

During the discussion of this item, Cllr JS Marais indicated that the Budget should talk to the IDP and in terms of the law, the Budget should be credible and realistic and therefore the 2017/18 Annual Budget was not realistic as it was based on the anticipated 85% collection rate whereas the Municipality's collection rate for the past months stands at 64%.

After lengthy discussions and several inputs by various members, the Democratic Alliance requested a caucus.

//The caucus was granted by the Speaker at 18h40 and the meeting resumed at 18h55//

When the meeting resumed, Cllr PF Botha informed members that the DA does not support the 2017/08 Annual Budget because of the following reasons:

- The IDP was not fully taken into consideration when the Budget was compiled;
- The Budget is not realistic and credible as it was based at the anticipated 85% collection rate which has not been achieved for the past years.

The Speaker then requested members to take a resolution on both items.

Cllr MH Ntsebeng proposed for the adoption of the both Items with amendments that were made and was seconded by Cllr DR Direko.

Cllr PF Botha objected to the proposal for adoption of both Items and was seconded by Cllr HS Badenhorst.

As a result of lack of consensus, the Speaker allowed members to vote.

Voting was done by means of raising hands.

The results were as follows:

Councillors who voted for the adoption of the IDP and Budget	=	45
Councillors who voted against the adoption of the IDP and Budget	=	13
Councillors who abstained	=	2

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **ADOPTS** the 2017/2018 Annual Budget and IDP.

A57/2017

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

PURPOSE

The purpose of this item is to submit the draft Service Delivery and Budget Implementation Plan for 2017/18 Financial Year to Council for consideration.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That specific inputs that were raised in all 36 Wards during the public participation processes, in their order of priorities must **BE REFLECTED** in the draft Service Delivery and Budget Implementation Plan for 2017/2018 before it is adopted.

A58/2017

REPORT ON IDP/BUDGET PUBLIC PARTICIPATION FOR 2017/2022 (EXECUTIVE MAYOR) (9/3/1)

PURPOSE

To report to Council on the Integrated Development Plan and Budget public participation process.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

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

A59/2017

INTEGRATED DEVELOPMENT PLAN -REVIEW PROCESS PLAN- 2018-2019 (EXECUTIVE MAYOR) (18/1/8) (12/1/2/12)

PURPOSE

To present to Council for consideration IDP Process-plan for Development of 4th Generation of IDP in terms of chapter 5 of the Municipal Systems Act.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **ADOPTS** the Integrated Development Plan Review Process-Plan 2018/19.

A60/2017

REQUEST FOR DONATION OF ERF 14107 THABONG TO GOLDFIELD FET COLLEGE (TOSA CAMPUS) (EXECUTIVE MAYOR) (8/3/2/45/1)

PURPOSE

To submit a proposal before Council for donation of Erf 14107 Thabong to Goldfield FET College.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council declares that Erf 14017 **IS NOT REQUIRED** for providing minimum level of basic municipal services in accordance to Section 14 of the Municipal Finance Management Act No. 56 of 2003.
2. That Council **TAKES NOTE** of the estimated market value of R42 000 000.00.
3. That Council decides **TO DONATE** the land to Goldfileds FET College (Tosa Campus).
4. That transfer costs must **BE PAID** by the Goldfields FET College (Tosa Campus).
5. That Finance officials **MUST INCLUDE** Tosa College in the list that is prepared for various write-offs.
6. That Council **RESOLVES TO INSTRUCT** Council's Conveyancers to proceed with the transfer immediately.
7. That Council **RESOLVES TO GIVE** them a clearance certificate in terms of Section 118 of the Municipal Systems Act, Act No. 32 of 2000 to enable the Conveyancers to transfer the property.
8. That the write-off of the arrear debt **IS REFERRED** to another Council meeting.
9. That from the date in which the resolution was taken and onwards, Tosa College would immediately **BE RESPONSIBLE** for payment of assessment rates as if they were already owners of the site.

A61/2017

BURYING FACILITIES FOR OLDER PERSONS AT THUHLWANE CEMETERY (EXECUTIVE MAYOR) (20/8/1/2)

PURPOSE

To present before Council an Age determination of Older Persons to be buried at Thuhlwane Cemetery.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That because of limited space, the reserved graves **BE BOOKED ONLY** for Older Persons who are 70 years of age and above.
2. That a policy pertaining to the matter **BE DEVELOPED** in order to protect the Municipality from any litigation.

A62/2017

ESTABLISHMENT OF A MULTI PURPOSE SPORT STADIUM: CURRENT STATUS OF THE DEVELOPMENT OF THE PROJECT AND EXTENSION OF THE LAND AVAILABILITY AGREEMENT (EXECUTIVE MAYOR) (10/1/1/7)

PURPOSE OF REPORT

The purpose of the report is to:

- a) Provide a complete and chronological perspective on the scope of the project and to provide an update on the progress with the development of the project to date as well as a schedule for the completion of the outstanding aspects.
- b) To provide motivation for the extension of the Land Availability Agreement.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That it **BE NOTED** that the project is in a very advanced stage and that the majority of the conditions as stipulated in terms of Resolution MC 271/2004 have now **BEEN COMPLIED WITH**.
2. That as soon as all reports in relation to the rezoning application have been received and internally evaluated, a comprehensive report will **BE SUBMITTED** to Council in relation to the project's compliance to Resolution MC271/2004 as well as the aspects pertaining to the rezoning of the land and the consequent development conditions of Council regarding the development.

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3. That in support of the project, the request for a further and final extension of the land availability agreement **IS GRANTED** with immediate effect for one year from the date of granting extension, to enable the completion of the rezoning and land transfer processes.
4. That a progress report must **BE SUBMITTED** every quarter to Council.

A63/2017

INFRASTRUCTURE QUARTERLY OVERTIME REPORT (EXECUTIVE MAYOR) (5/4/1/3)

PURPOSE

To inform Council on measures taken to reduce and control expenditure on overtime in the Infrastructure Directorate.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the report.
2. That key critical positions in Infrastructure, technical services and Finance which are in the current structure must **BE PRIORITIZED** and be **URGENTLY FILLED**.
3. That the acting Municipal Manager **MUST UTILIZE** the R8 million that was obtained from the investment to purchase new Fleet.
4. That the Collective Agreement Circular 1/2016 (*Clause 20, Payment of fixed allowance*) that has become effective from 1 November 2016 for personnel working shifts in WWTW's and Pump Stations **BE IMPLEMENTED**.
5. That funding **BE OBTAINED** for the refurbishment of the ageing Infrastructure as per Council resolution 4 of Item A23/2017.
6. That effective technologies **BE IMPLEMENTED** to reduce theft and vandalism of the Municipal Infrastructure.
7. That a system of full operations **BE INTRODUCED** as per Council resolution 4 of Item A43/2017.
8. That the Executive Director: Infrastructure **MUST MONITOR** the overtime in order to curb fraudulent activities.

A64/2017

**HEROES ACRE POLICY FOR MATJHABENG LOCAL MUNICIPALITY
(EXECUTIVE MAYOR) (20/9/1)**

PURPOSE

To present before Council the Heroes Acre Policy for Matjhabeng Local Municipality.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **ADOPTS** the Heroes Acre Policy.
2. That areas in the following cemeteries be earmarked for Heroes Acre:
 - 2.1 Welkom Cemetery
 - 2.2 Virginia Cemetery
 - 2.3 Hennenman Cemetery
 - 2.4 Odendaalsrus (Phakisa) Cemetery
 - 2.5 Allanridge Cemetery
 - 2.6 Ventersburg Cemetery
 - 2.7 Bronville Cemetery

A65/2017

**INTRODUCTION OF EVOLUTION POT AS PROJECT IMPLEMENTORS OF FS
JOB CREATION PILOT PROJECT ON WASTE MANAGEMENT (EXECUTIVE
MAYOR) (20/16/1; 20/16/3)**

PURPOSE

To introduce to Council the FS –job creation Pilot Project approved by the Department of Environmental affairs to be implemented in Matjhabeng Municipality by evolution Pot as the project initiators and introduction of the implementation Agent – Dlokwakhe.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **ACCEPTS AND SUPPORTS** the program to be rolled out and implemented in Matjhabeng for the benefit of the Community and to participation in the Green Economy Initiative.

2. That Council **APPOINTS** the acting Municipal Manager, the acting Executive Director: Community Services and MMC: Community Services as technical and political champions respectively, in the Local Project Advisory Committee.
3. That the support needed and the cost implications should **BE CLARIFIED** before the memorandum of understanding is signed.
4. That Council **AGREES** that it will own the rehabilitated areas as community assets after the withdrawal of the implementers from the project.
5. That a follow up meeting **BE ARRANGED** between the Office of the Municipal Manager and the Department of Environmental Affairs to thrash out the details of the project plan and memorandum of understanding.

A66/2017

PROGRESS REPORT ON DEVELOPMENT OF AN INTEGRATED WASTE MANAGEMENT PLAN DOCUMENT (EXECUTIVE MAYOR) (1/3/15; 1/3/31)

PURPOSE

To submit a progress report to Council on Development of the Integrated Waste Management Plan (IWMP) document and preparations to commence with the consultation processes.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the draft Integrated Waste Management Plan Document as the original sector plan document for Waste Management services for Matjhabeng Municipality.
2. That the Sector Plan must **BE SUBJECTED** to annual review to coincide with new legislative and technical trends.
3. That the Internal (Peruse and Align) process and External process whereby community will be consulted and be given opportunity to participate in the adaptation processes of the Sector Plan **BE ACCEDED TO**.
4. That the external process **BE FOLLOWED** by the Environmental Summit.
5. That the Environmental Summit **CULMINATES** into establishment of Matjhabeng Environmental Forum.

A67/2017

REPORT ON IMPLEMENTATION OF THE ENVIRO MOBI WASTE MANAGEMENT PROJECT-FREE STATE PROVINCE IN MATJHABENG MUNICIPALITY (EXECUTIVE MAYOR) (19/9/1/7)

PURPOSE

The purpose of this item is to report to Council about the Enviro Mobi Waste Management project to be implemented at Matjhabeng Municipality under the auspices of FS Provincial COGTA.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **NOTES AND SUPPORTS** the program to be rolled out and implemented in Matjhabeng for the benefit of the local youth and participation in the Enviro Mobi Project.
2. That Council **DELEGATES** the Executive Mayor and the championing department to be part of the District and Local PAC.
3. That the equipment (10 TAK TAK SCOOTERS) and other utensils (4 X 6 CUBIC METERS CONTAINERS) used by the project implementer **BE REGISTERED** into the Municipal Asset Register when the term of the project comes to an end; for further usage by the Municipality.
4. That a Technical team **BE ESTABLISHED** to monitor the project and the Municipal Manager must play a key role in coordinating the meeting.

A68/2017

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

PURPOSE

To inform Council about the progress on Municipal Accreditation Programme.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

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

A69/2017

SECTION 32 COMMITTEE REPORT ON THE IRREGULAR EXPENDITURE INCURRED FOR THE PERIOD ENDED 30 JUNE 2016 AND PRIOR FINANCIAL PERIODS (SECTION 32 COMMITTEE CHAIRPERSON) (6/1/2/2)

PURPOSE

To submit to Council the Section 32 Committee report on irregular expenditure incurred for the financial periods ended 30 June 2016 and Prior.

DISCUSSION

The Section 32 Committee Chairperson presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the Section 32 Committee report.
2. That Council certifies an amount of **R466 828 644.58 (413 701 258.18 Excl. VAT)** as irrecoverable and should **BE WRITTEN-OFF**.
3. That the appropriate disclosure note **BE MADE** to the financial statements for the year ending 30 June 2017.
4. That the Accounting Officer **MUST ESTABLISH** controls to detect and prevent these types of expenditures and on a quarterly basis submit a Supply Chain Management report for consideration to Council; and
5. That the Accounting Officer **MUST IN WRITING COMMUNICATE** the Council resolutions to the office of the Auditor General, COGTA and Provincial Treasury in terms of Section 32, subsection 4 of the Municipal Finance Management Act.

A70/2017

SECTION 32 COMMITTEE REPORT ON THE FRUITLESS AND WASTEFUL EXPENDITURE INCURRED FOR THE PERIOD ENDED 30 JUNE 2016 AND PRIOR FINANCIAL PERIODS (SECTION 32 COMMITTEE CHAIRPERSON) (6/1/2/2)

PURPOSE

To submit to Council the Section 32 Committee report on Fruitless and Wasteful Expenditure incurred for the financial periods ended 30 June 2016 and Prior.

DISCUSSION

The Section 32 Committee Chairperson presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the Section 32 Committee report.
2. That Council certifies an amount of **R157 128 450.43** as irrecoverable and should **BE WRITTEN-OFF**.
3. That the appropriate disclosure note **BE MADE** to the financial statements for the year ending 30 June 2017.
4. That the Accounting Officer must **ESTABLISH CONTROLS** to detect and prevent these types of expenditures and on a quarterly basis submit a report for consideration to Council; and
5. That the Accounting Officer **MUST IN WRITING COMMUNICATE** the Council resolutions to the office of the Auditor General, COGTA and Provincial Treasury in terms of section 32, subsection 4 of the Municipal Finance Management Act.

A71/2017

SECTION 32 COMMITTEE REPORT ON THE UNAUTHORISED EXPENDITURE INCURRED FOR THE PERIOD ENDED 30 JUNE 2016 AND PRIOR FINANCIAL PERIODS (SECTION 32 COMMITTEE CHAIRPERSON) **(6/1/2/2)**

PURPOSE

To submit to Council the Section 32 Committee report on unauthorised expenditure incurred for the financial periods ended 30 June 2016 and prior.

DISCUSSION

The Section 32 Committee Chairperson presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the Section 32 Committee report.
2. That Council **CERTIFIES** the previous years (2015/16 and prior) unauthorized expenditures amount of **R977 994 508.40** which includes **R 594 828 345.00** non-cash **AS IRRECOVERABLE AND SHOULD BE WRITTEN-OFF** in terms of Section 32, subsection 2 (a) (ii) of the Municipal Finance Management Act.
3. That the appropriate disclosure note **BE MADE** to the financial statements for the year ending 30 June 2017.
4. That the Accounting Officer must **ESTABLISH CONTROLS** to detect and prevent these types of expenditures and on a quarterly basis submit an Supply Chain Management report for consideration to Council; and

5. That the Accounting Officer **MUST IN WRITING COMMUNICATE** the Council resolutions to the office of the Auditor General, COGTA and Provincial Treasury in terms of Section 32, subsection 4 of the Municipal Financial Management Act.

A72/2017

REQUEST FOR SECTION 32 INVESTIGATION FOR 2016/2017 AND 2017/2018 FINANCIAL YEAR (SECTION 32 COMMITTEE CHAIRPERSON) (6/1/2/2)

PURPOSE

The purpose of the item is to request Council to extend the terms of reference of the Municipal Public Account Committee to include investigations as contemplated in Section 32 for the following expenditures incurred during the 2016/2017 and 2017/2018 financial year:

- Unauthorised expenditure;
- Irregular expenditure;and
- Fruitless and Wasteful expenditure.

DISCUSSION

The Section 32 Committee Chairperson presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **EXTENDS** the terms of reference of the Municipal Public Accounts Committee to include investigations as contemplated in Section 32 of the MFMA of:
 - Irregular expenditure;
 - Unauthorised expenditure; and
 - Fruitless and Wasteful expenditure.

Incurred during 2016/2017 and to be incurred (if any) during 2017/2018 financial year.

2. That the extended terms of reference **BE BASED** on MFMA Circular 68 as issued by National Treasury as well as Section 32 of the MFMA; and
3. That Unauthorised Irregular, Fruitless and Wasteful expenditures **BE DEALT WITH** on a quarterly basis during the year incurred to minimize unnecessary backlogs in dealing with these types of expenditures.

A73/2017

APPLICATION TO OCCUPY HOUSE NO 30867 IN EXTENSION 15 THABONG (EXECUTIVE MAYOR) (8/3/2/45/14)

PURPOSE OF THE REPORT

1. To solicit Council approval to assist Me. ZI Kuse to take occupation of vandalized and abandoned house no 30867 in Ext 15 for residential purposes.

2. To solicit Council approval to repossess and dispose of identified abandoned vacant buildings and houses.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That the item **BE REFERRED BACK**.

A74/2017

PROGRESS REPORT OF THE MUNICIPAL PLANNING TRIBUNAL (EXECUTIVE MAYOR) (1/1/38)

PURPOSE

The purpose of the item is to provide a progress report to Council on the functioning and decisions taken on applications by the Municipal Planning Tribunal, for notification.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the Minutes of the Municipal Planning Tribunal meetings held on 12 May 2017.
2. That Council **TAKES NOTE** that an advert has been placed on Provincial Gazette, Notice 38/2017, on Friday 12 May 2017 to fill a vacant position within the Matjhabeng Municipal Planning Tribunal.

A75/2017

WORKPLACE SKILLS PLAN (2017/18) AND ANNUAL TRAINING REPORT (2016/17) (EXECUTIVE MAYOR) (5/6/1)

PURPOSE OF REPORT

To submit to Council the Annual Workplace Skills Plan (WSP) for the period 2017/8 and Annual Training Report (ATR) 2016/17.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

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

A76/2017

ESTABLISHMENT OF A COMMUNITY SAFETY FORUM (EXECUTIVE MAYOR) (5/6/2/6)

PURPOSE

The purpose of this item is to highlight Council on the need for the establishment of a Community Safety Forum.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That the previous process **BE REVIVED** and the establishment of CSF as per the Policy Framework of Government **BE FACILITATED** as a matter of urgency.
2. That Council **APPROVES** the establishment of the Community Safety Forum.

A77/2017

SUBMISSION OF 3rd QUARTER DRAFT PROGRESS REPORT TO COUNCIL FOR CONSIDERATION (EXECUTIVE MAYOR) (6/4/1)

PURPOSE

To submit a third quarter draft quarterly performance report to Council for consideration.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the draft third quarter performance report.

A78/2017

APPROVAL FROM COUNCIL TO REQUEST HARMONY GOLD MINING COMPANY LIMITED TO RELEASE AND DONATE ALL SLIME DAMS AND ROCK DUMPS THAT HAD BEEN DESERTED AND DEPOSITED ON THE MATJHABENG MUNICIPAL LAND FOR MANY YEARS (EXECUTIVE MAYOR) (8/4/1)

PURPOSE

This report serves to request approval from Council to request Harmony Gold Mining Company Limited to release and donate all slime dams and rock dumps that had been deserted and deposited on Matjhabeng Municipal land for many years.

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The report also highlight the frustrations and challenges faced by prospective small companies which want to participate in the mining sector by re-mining and processing of mineral deposits from these rock dumps and slime dams. This report further provides information with regard to the mining permit/licence application submitted by the prospective small scale mining companies to the Department of Mineral Resources.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That the item **BE REFERRED BACK**.

A79/2017

PROGRESS REPORT WITH REGARD TO THE MINERAL TESTING, THE DETERMINATION OF ECONOMIC VIABILITY AND THE UNDERTAKING OF ENVIRONMENTAL STUDIES MADE BY MAHOKO RECOVERY AND REFINERY (PTY) LTD AT SAAIPLAAS FARM 690, WELKOM (EXECUTIVE MAYOR) (18/4/2/1/36)

PURPOSE

This report serves to give progress made with regard to the mineral testing, the determination of economic viability and the undertaking of environmental studies by Mahoko Recovery and Refinery (PTY) LTD for slime dump situated Saaiplaas Farm 690, Welkom.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That the item **BE REFERRED BACK**.

A80/2017

REPORT ON THE POSSIBILITY OF GRANTING LONG TERM LEASE TO CGOC FOR DEVELOPMENT OF AVIATION SCHOOL AT THE WELKOM AIRPORT (EXECUTIVE MAYOR)

PURPOSE OF REPORT

To solicit the approval of Council for the long term lease with CGOC Aviation.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That the item **BE REFERRED BACK**.

A81/2017

PAYMENT OF BULK SERVICES CONTRIBUTION: BOITUMELO JUNCTION SHOPPING CENTRE (EXECUTIVE MAYOR) (8/3/2/10)

PURPOSE

To inform Council about a request received from Khulemani Masingita Holdings, the Developer of Boitumelo Junction Shopping Centre, for Council to contribute to bulk services that were installed during the construction of the shopping centre.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **APPOINTS** a task team comprising of the Executive Mayor, Cllr A. Styger, Cllr HS Badenhorst and Cllr TD Khalipha to meet with the Developer and discuss all matters raised, ascertain whether are there any agreements signed between himself and the Municipality and submit a report at the next Council meeting.

A82/2017

PROPOSED ORGANISATIONAL STRUCTURE: (MARCH 2017) (EXECUTIVE MAYOR) (2/1)

PURPOSE

To provide an update of Matjhabeng Local Municipality proposed Organisation Structure “**MARCH 2017**” to Council.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the Draft Organisational Structure.

2. That the TASK-JOB-EVALUATION system **MUST BE APPLIED** to ensure that salaries are correlating with the jobs that are performed, within a period of 30 days.
3. That only critical positions **MUST BE FILLED**.
4. That the Organogram must **BE RE-SUBMITTED** at the next Ordinary Council meeting.

A83/2017

OVERSIGHT REPORT IN RESPECT OF THE 2015/2016 DRAFT ANNUAL REPORT FOR THE MATJHABENG LOCAL MUNICIPALITY (MPAC CHAIRPERSON) (4/1/2/2)

PURPOSE

To submit to Council an Oversight report of the Municipal Public Accounts Committee (MPAC) regarding public participations process undertaken on the Draft Annual Report of the Municipality for the 2015/2016 financial year and recommendations made thereafter.

DISCUSSION

The MPAC Chairperson, Cllr MD Masienyane presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council, having fully considered the 2015/2016 Draft Annual Report of the Municipality and representations thereon, **ADOPTS** the Oversight Report and **APPROVES** the Annual Report without reservations.
2. That specific Committee recommendations **BE NOTED**.
3. That the Oversight Report **BE MADE** public in accordance with Section 129(3) of the Municipal Finance Management Act 56 of 2003.
4. That the Oversight Report **BE SUBMITTED** to COGTA, Provincial Treasury and National COGTA and National Treasury as required by Section 132(2) of the Municipal Finance Management Act 56 of 2003.
5. That a report on how far is the implementation process of the Oversight report must **BE SUBMITTED** to Council.

A84/2017

WRITE-OFF OF INCOMPATIBLE AND REDUNDANT WATER METERS (MPAC CHAIRPERSON) (19/2/5)

PURPOSE OF THE REPORT

To provide a detailed report on processes followed for the appointment of Service Providers for:

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1. The Supply of 80mm bulk water meters; and
2. Tender 11/2010 : Replacement and installation of water meters

DISCUSSION

The MPAC Chairperson presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the report.
2. That MPAC Committee **AGREES** with the Council resolution that redundant water meters must **BE WRITTEN-OFF**.
3. That the meters be **DISPOSED OFF** in terms of Supply Chain Management regulations.

A85/2017

REPORT FOR THE UPGRADING OF SPORTS FACILITIES IN KUTLWANONG AND MELODING (MPAC CHAIRPERSON) (20/15/2)

PURPOSE

To report to the Municipal Public Accounts Committee regarding the Upgrading of Sports Facilities in Kutlwanong and Meloding.

DISCUSSION

The MPAC Chairperson presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That the item **BE REFERRED BACK**.

C3/2017

REPORT ON ALLEGED ACTS OF MISCONDUCT BY THE MUNICIPAL MANAGER IN LINE WITH LOCAL GOVERNMENT DISCIPLINARY REGULATIONS FOR SENIOR MANAGERS, 2010 (EXECUTIVE MAYOR) (5/3/2/1)

PURPOSE

The purpose of the item is to submit a report to Council of the alleged acts of misconduct by the Municipal Manager, herein referred as Adv. MF Lepheana in line with Local Government Disciplinary Regulations of Senior Managers of 2010.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **MANDATES** the Executive Mayor to extend Adv. MF Lepheana's precautionary leave for a period of seventeen days (17) days or until the end of the contract.

C4/2017

REPORT ON ALLEGED ILLEGAL SALE OF LAND ERF PORTION 1 AND REMAINING EXTENT OF ERF 10707 (EXTENSION 31) WELKOM (VACANT LAND NEXT TO MAGISTRATE COURT) (LAND AD-HOC CHAIRPERSON) (8/3/2/41)

PURPOSE

To inform Council on the investigation of the alleged illegal alienation of certain erven and to seek a Council resolution to address the matter.

DISCUSSION

The Land Ad-hoc Committee Chairperson, Cllr TD Khalipha presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the report hereby submitted.
2. That the acting Municipal Manager immediately **GIVES NOTICE** to the companies involved that the agreements relating to the properties are under investigation and that no further sales or developments should be done until the matter has been resolved.
3. That Bahlekazi Attorneys appointed by the Municipal Manager, in liaison with the Ad-hoc Committee on Illegal Sale of Land, **FURTHER INVESTIGATE** the evidence and transactions.
4. That should enough evidence exist, Bahlekazi Attorneys **CONTINUE** with an application to the High Court for the reversal of the transfer of Portion 1 and the Remainder of Erf 10707, Welkom, Extension 31.
5. That should any evidence **BE DISCOVERED** of unauthorized/ illegal dealings by any Council Official, past or present, or implicating any outside third person or company, this evidence must **BE SUBMITTED** to the Municipal Manager for further action in terms of the Employee Code of Conduct and further investigation by the South African Police Service.

C5/2017

REPORT BY THE SECTION 79 COMMITTEE ON THE ALLEGED ILLEGAL SALE OF COUNCIL PROPERTY: PERIOD 07/08 – 08/09, AS WELL AS 09/10 FINANCIAL YEARS (LAND ADHOC CHAIRPERSON) (8/1/1)

PURPOSE

To present to Council a report on the sale of immovable properties that took place during the financial years 07/08, 08/09 and 09/10.

To seek a resolution from Council to address the consequences of the actions taken during these financial years as far as they relate to the alienation of certain residential and business erven / stands.

DISCUSSION

The Land Ad-hoc Committee Chairperson, Cllr TD Khalipha requested Cllr A. Styger to present the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **TAKES NOTE** of the sale of properties under the decisions taken by the Land Alienation Committee during the financial years 07/08, 08/09 as well as 09/10.
2. That Council resolves that the properties listed per Annexure A **ARE NOT REQUIRED** to provide minimum level of services to the community and can therefore be alienated.
3. That Council **NOTES** the sale price paid by the Purchasers per Annexure A and endorses it as reflective of the fair market value of the properties concerned as at time the agreements were entered into.
4. That Council **INSTRUCTS** its conveyancers to transfer ownership and issue title deeds to the affected purchases as per Annexure “A” as soon as possible.
5. That clearance certificates **BE ISSUED** on the said properties as required by Section 118 of the Municipal Systems Act No. 32 of 2000 if the Purchaser undertakes to refund to Council the clearance amount in full, as per an agreed payment plan and if he/she consents thereto that the full arrear debt amount be debited onto his/her consumer account once the transfer of ownership has been effected, then to be dealt with according to Council’s Credit Control Policy.
6. That all other agreements entered into by the Land Alienation Committee on which the agreed Purchase Prices have not been paid, **BE CANCELLED** without delay.
7. That all other sale agreements and properties of which the alienation, contract, legal status or its ownership are in dispute, are hereby **REFERRED TO** the current Section 79 Committee on Alleged Illegal Sale of Land for investigation, a report to **BE SUBMITTED** as soon as the investigations are finalised.

8. That the Municipal Manager **INSTITUTES** the necessary administrative investigation and processes to determine the loss (if any) suffered by Council caused by the unauthorised alienation and pursue the recovery thereof from the relevant officials involved.

C6/2017

REPORT ON ALLEGED BREACH OF CODE OF CONDUCT OF COUNCILLORS BY COUNCILLOR VICKY MORRIS, AS PROVIDED IN THE MUNICIPAL SYSTEMS ACT, NO. 32 of 2000. (SCHEDULE 1) (SPEAKER) (5/5/5)

PURPOSE

The purpose of the item is to inform Council about the complaint received by the Speaker of an alleged breach of the code of councillors and steps undertaken to date.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (31 MAY 2017)

1. That Council **APPOINTS** a Committee of five (5) members comprising of Cllr SJ Liphoko, Cllr HS Badenhorst, Cllr TJ Mosia, Cllr KSV Moipatle and Cllr SDM Taljaard which will further investigate the matter in line with Rule 100 (7) (c).
2. That the Committee must **BE CHAIRED** by Cllr TJ Mosia.
3. That the Committee will have **TO CONCLUDE** its investigation within 21 days after their appointment in line with (Rule 102(3)).