

**MATJHABENG MUNICIPALITY**

# **MINUTES**

**of**

**MPAC COMMITTEE MEETING**

**CONTINUATION**

**Held on**

**TUESDAY, 31 JULY 2018**

**at**

**10am**

**ROOM 428,4<sup>TH</sup> FLOOR, CIVIC CENTRE WELKOM**

**SECTION A  
PROCEDURAL MATTERS**

<b>1.</b>	<b>OPENING AND WELCOME</b> The Chairperson, Cllr D Masienyane welcomed everyone present and declared the meeting open.
<b>2.</b>	<b>SIGNING OF ATTENDANCE REGISTER CLLRS</b> 1.Cllr Masienyane D _MLM  2.Cllr Botha P _MLM  3.Cllr Marais J _MLM  4.Cllr Mafa D _MLM  5.Cllr Molefi M _MLM  6.Cllr Nqeobo M _MLM  <b>MANAGER’S</b> 1. Mr L Rubulana Speaker’s office 2. Mr R Senyane – Internal Audit  <b>EXECUTIVE DIRECTORS</b>  Mr T Tsoaeli -Municipal Manager  Mr T Makofane -Executive Director Strategic  Mr T Panyani -Chief Financial Officer  Mr FF Wetes -Executive Director Corporate Support Services  Mr Mrs Z Tindleni -Executive Director Community Services  Mrs B Maswanganyi -Executive Director Infrastructure  <b>OFFICIALS</b> 1. Me. Matshediso Phoko MPAC Secretary  2. Ms Maria Musapelo_Scriber Council Administration  <b>FEZI</b> Mr P Chiroodza  <b>EXTENDED MEMBERS</b> Mrs D Benson -Harmony

	Mr. A Mulaudzi-Mineral Resources Mrs Melanie Fouche -Colonel SAPS
<b>3.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b> Cllr J Mosia Cllr I Poo Ms P Sefuthi
<b>4.</b>	<b>OFFICIAL ANNOUNCEMENTS</b> None
<b>5.</b>	<b>MOTIONS OF SYMPATHY AND CONGRATULATIONS</b> None
<b>6.</b>	<b>MINUTES OF THE PREVIOUS MEETING(4 July 2018)</b> Minutes were referred back due to time constraints
<b>7.</b>	<b>MATTERS ARISING FROM THE MINUTES</b> T16 Report and Nyakallong reports
<b>8.</b>	<b>DEPUTATIONS AND INTERVIEWS</b> Director Infrastructure Betty Maswanganyi
<b>9.</b>	<b>CLOSURE</b> The Chairperson thanked everybody for their participation and ended the meeting at 11:45am

\_\_\_\_\_  
**CHAIRPERSON**

\_\_\_\_\_  
**DATE**

## **OVERVIEW BY CLLR MASIENYANE**

Cllr Masienyane indicated to members why it was important and urgent to convene the meeting.

There should be consequences towards officials who are not doing their Job

## **MATTERS FOR DISCUSSION**

PURPOSE OF THE MEETING.

THE ISSUES THAT WERE RAISED BY THE COMMUNITY VIA HUMAN RIGHTS COMMISSION WHICH AFFECTING THE PRIVATE SECTOR AND DEPARTMENT OF MINERALS AND RESOURCES (DMR)

## **SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)**

### **BACKGROUND.**

### **RE: SAHRC COMPLAINS RECEIVED AGAINST THE MUNICIPALITY**

*during the south African human rights commission (SAHRC) (Commissioner) engagement with the south African local government associations (SALGA) Provincial Council of (Speakers Forum) it was agreed that the Commission would put together a document summarizing the water and sanitation complaints that the commission is currently handling .it was agreed that the document will highlight the complaints where the commission is yet to receive a response from that particular municipality.*

*The commissions understanding of the speakers forum is that it is a platform for municipal council speakers and that the commissions involvement is merely intended to achieve a speedy resolution of complaints that are currently before the commission*

**In light of the above, the Municipality was expected to provide the commission with information pertaining to the South African human rights commission**

Before presentations the chairperson: Cllr Masienyane: allowed everyone to introduce themselves.

## **DEPUTATIONS AND INTERVIEWS**

## **HUMAN RIGHTS COMMISSION FEED BACK**

### **MUNICIPAL MANAGER RESPONSE**

The report was done and send through the office of the Speaker to take it further to the Human Rights commission.

He indicated that all questionnaires were answered accordingly.

Executive summary and the evidence that the report was done was attached.

He mentioned one of the issues of the toilets as the project was supposed to be done by the Provincial Department of Human Settlement, yet the Municipality's role was to identify the place or land.

Human Settlement project was done, the sanitation was the outstanding.

Sewer running into the yards, the structure needs to be redesigned and professional advice is needed to rectify all mistakes.

The affected places of Sewer was Thabong, Hani Park and Dicholocateng.

### **ROADS AND BAD SHAPED**

Roads will be gravelled and resealed in Ward 12, Ward 13 and so on.

### **HARMONY (MRS D BENSON)**

The ownership of the Allandridge dam needs to be interrogated – it is not clear whether it belongs to Harmony or the mine.

She made the meeting aware that the place is a pan not a dam, as a dam is a man-made thing.

She indicated that the place belong to National Water Affairs and Sanitation.

She further indicated that **Minister Rejoyce Mabudhafasi** was in Allandridge few years ago as the community was complaining about the dust and bad smell from that Fillpan

She also asked if the Municipality can fill the pan with water.

She cautioned the committee about a Chickens and Pigs farm around the place and sewer could not run and maturation resources could not been used.

There should be a safeguard and prevention caution measures, as children's safety was one of the complaints.

Thus Municipality is responsible for the sewer system and Waste Water Treatment.

She said that the National Water Affairs must give Municipality go ahead to maintain that Allandridge Fillpan.

She requested Municipality to be honest about the realistic budget and what the provision is for re-engineering.

She also advised the Municipality to utilise good measures to regenerate its Pump Station for instance the Monte Canal, she made an example of regenerating Thabong sewer plant and Witpan sewer she said municipality cannot manage the sewer plants without doing the Monte Canal Pump Station as it was badly designed.

### **MUNICIPAL MANAGER'S RESPONSE**

Municipality needs knowledgeable, experienced and skilful personnel that will remedy the plan, it also lost a lot of skilled personnel over the years. Municipality have 11 pump stations and are managed by one person. He also indicated that we are not winning the fight because we are not going to the root cause of the problem as the Municipality.

He alluded that Municipality needs regulations pertaining management of pump stations.

### **MINERAL RESOURCES**

In response Mr Mulaudzi have indicated that, as Mineral Resources they are done with their investigations and, they are not the custodians of the Allandridge Fillpan, he alluded that they requested many stakeholders and their partnership to go and ensure that Allandridge pan where it is situated and they took photos, and made a report that Allandridge Pan is not their responsibility according the investigations made.

### **SAPS**

Cllr Masienyane gave a clue on the issue of SAPS that community complained about miscommunication and the Police not taking care about complains of Zama- zama's as it was alleged that they are ones who damages our Sewer and Pump stations.

Some of the trespassers who killed people, are people from Mozambique, Lesotho and Zimbabwe.

Cllr Botha cautioned that Theronia Waste Water plant need to be investigated.

The committee took note that some officials of SAPS took part in crime and partnership with this illegal miners.

In response Mrs fouche responded that she will respond on behalf of Thabong cluster.

She indicated that as SAPS they got complaints about this Zama-zamas digging, trespassing and so on.

She further indicated that they have a huge problem around G hostel(Thabong) as the Police cannot access the place because the moment the Police arrived in the scene they also not have evidence of crime been committed.

Mrs Debbie also raised a concern that mines are suffering because of the Zama zamas and lives are being taken by them.

She said that it looks easier to catch Zama- zamas because they must have proof as that place where the Zama- zama like to dig their things near G hostel is difficult for entrance.

The committee took note of the problem occurred in Reahola in the Ward of Cllr Manzana

She mentioned that the Law doesn't allow anyone to be arrested without the proof of something

They are more forces and they also need Community Corporation so far.

She also requested people if they have any information to come forward and call the following Numbers **(083 693 2049)**.

### **QUESTIONS AND CLARITY**

Cllr Molefi supported the statement made for the Senior Police Officials who are in partnership with the Zama- zamas scheme.

He alluded that Municipality must enforce their by-laws for the prohibition in some areas of the properties of Municipal land.

Mrs Fouche requested the Municipality to provide by-Laws in black and white in order for the Police to provide it for arrest of the Zama- Zamas who transgress the Law and get into Municipal land illegally, they will then take it from there.

She also requested Municipality to clear that area in G hostel as the Zama zamas are talking chances to hide in that area.

The committee have requested the consequences management to be effective.

The review of IDP and budget be realistic as MPAC did raised this matter long ago.

The Municipal Manager must deal with the issue of the unskilled employees and organogram.

### **IT WAS RESOLVED ON THE 31 JULY 2018**

1. That the Municipal Manager **MUST CONVENE** all the highest stakeholders to resolve the matter of the human rights commission, SAPS and Municipal security be part of the meeting.
2. The issue of organogram be taken to the next council and **BE APPROVED**.
3. Issue of the by-laws **BE REVIEWED**.

## **NYAKALLONG WASTE WATER TREATMENT PLANT**

### **BACKGROUND.**

In 2011 Mothei Consulting was appointed by the Municipality to assist with the application for funding through the Municipal Infrastructure Grant MIG.

The Project was recommended by the department of Human Settlements and was then approved for funding through MIG by the department of Cooperative Governance and traditional affairs (Cogta) to a total value of R29 238 325.00 including professional fees and construction costs.

In 2013 after thorough investigation on the plant by Mothei consulting engineers it was discovered that most of the structures which were expected to be refurbished were beyond repair and will have to be demolished and construct new ones

An additional funding of R23 061 200.00 was requested and was therefore recommended by the department of human settlements and was then approved by the department of Co-operative governance and traditional affairs which made a total project funding of R52 229 552.00.

So far the bid adjudication found that after the presentation all the contractors had concerns regarding the ambiguous bill of quantities.

Mothei consulting engineers was requested to address the concerns of the bidders and bidders and present their response to their response to the concerns on 21 May 2015.

The following responses was received from Mothei consulting engineers the bid adjudication committee resolved as follows

That due to the fact that the specifications were not clear and were ambiguous the adjudication committee will not be able to appropriately adjudicate this projects.

An independent consulting engineer be appointed to give a second opinion on the specification

The contractor was never appointed, Mothei consulting engineers was terminated in September 20 but Hatch Goba (PTY) Ltd was already appointed in August 2015.

Mothei was paid professional fees to an amount of R6 903 902.06.



## **DISCUSSION**

### **MRS B MASWANGANYI AND MUNICIPAL MANAGER**

## **NOTING**

The Mothei consultants never designed Water Treatment the way it was expected.

The meeting requested to be provided with the appointment letter of Mothei consultants and the approval of payment.

The Mothei substandard work and their specification was not well equipped therefore the report must go to the Council.

The Municipal Manager promised not to sign the handover report and completion certificate due to poor service from Mothei consultants.

## **T16 REPORT**

It was not presented because the copies were done during the meeting and it was too late.

## **IT WAS RESOLVED ON THE 31 JULY 2018**

1. The value for money **BE RECOVERED**.
2. That the money should **BE RECOVERED** and the person who authorised payment be held accountable.
3. That Municipal Manager must write the letter of the money **RECOVERABLE** to the Council
4. That the report **BE TAKEN** to the next Council.
5. That Legal department be invited to the matter of this two items of Nyakallong Waste Water and T16.

## **UIF REPORT**

The chairperson notify the members that it is important to have **UIFW** presentation for the financial year in terms of the compliance of the MFMA regulations.

The Item was never presented.

## **IT WAS RESOLVED**

To present in the next meeting of the 7 August 2018.

Closure

**MEETING ADJOURNED AT 11:42.**