

# **MINUTES**

of the

**2<sup>ND</sup> ORDINARY COUNCIL MEETING  
FOR THE YEAR 2018**

of

**MATJHABENG MUNICIPALITY**

held on

**WEDNESDAY, 28 MARCH 2018**

at

**12:00**

at the

**COUNCIL CHAMBERS, CIVIC CENTRE,  
WELKOM**

# I

## COUNCILLORS ATTENDANCE

### 2<sup>ND</sup> ORDINARY COUNCIL MEETING MINUTES: 28 MARCH 2018

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



## **EXECUTIVE MANAGEMENT**

Mr ET Tsoaeli	:	Municipal Manager
Mr T. Makofane	:	Executive Director: Strategic Support Services
Mr FF Wetes	:	Executive Director: Corporate Service
Me B. Maswanganyi	:	Executive Director: Infrastructure
Mr CT Panyani	:	Chief Financial Officer
Me ZK Tindleni	:	Executive Director: Community Services

## **COUNCIL ADMINISTRATION SECRETARIAT**

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

### III

<b>(a)</b>	<b>Opening</b> <p>The Speaker welcomed everyone present at the 2<sup>nd</sup> Ordinary Council meeting for the year 2018 and declared the meeting open. He indicated that the meeting was initially scheduled for the 29<sup>th</sup> March 2018 but due to various issues it was re-scheduled for the 28<sup>th</sup> March 2018.</p>
<b>(b)</b>	<b>Applications for leave of absence</b> <p>See Councillors' attendance list on page <b>I</b> of these minutes.</p>
<b>(c)</b>	<b>Official announcements of the Speaker</b> <p>The Speaker announced that a Strategic Planning Session in which Councillors would be given an opportunity to discuss the 2018/19 Annual Budget in detail, is scheduled for Monday, the 16<sup>th</sup> April 2018.</p>
<b>(d)</b>	<b>Reports of the Speaker in terms of rules 15(1) and 99(4)</b> <p>None</p>
<b>(e)</b>	<b>Tabling of documents prescribed by statute or these rules and orders</b> <p>None</p>
<b>(f)</b>	<b>Applications and appeals from Councillors in terms of rules 14(1), 67 and 72</b> <p>None</p>
<b>(g)</b>	<b>Reports received from the Speaker</b> <p><b>A23 – A26 of 2018</b></p>
<b>(h)</b>	<b>Motions of sympathy and congratulations by the Speaker</b> <b><u>Sympathy</u></b> <p>The Speaker, Cllr B. Stofile conveyed a motion of sympathy to the Molete family for the passing on of Mr T.N Molete, a former Councillor of Ward 6 in Virginia.</p>
<b>(i)</b>	<b>Motions of sympathy and congratulations by other Councillors</b> <b><u>Congratulations</u></b> <ol style="list-style-type: none"> <li>1. The Executive Mayor, Cllr N.W Speelman congratulated Me Sisi Ntombela on her election as the new Premier of the Free State Province.</li> <li>2. He also congratulated the former Premier of the Free State Province, Mr Ace Magashule for the good work he did in the Province.</li> </ol>
<b>(j)</b>	<b>Deputations and interviews</b> <p>None</p>
<b>(k)</b>	<b>Disclosure of interest</b> <p>The Speaker reminded Councillors to update their declaration forms at the office of the Municipal Manager every year, however if a Councillor has a personal/financial interest on any matter for consideration by Council, such Councillor has to declare his/her interest in the meeting.</p>

## IV

(1)	<p><b>Minutes of the previous meeting: 31 January 2018</b></p> <p><b><u>COUNCIL RESOLVED:</u> (28 MARCH 2018)</b></p> <p>That the minutes of the 1<sup>st</sup> Ordinary Council meeting held on 31 January 2018 <b>BE ADOPTED</b> as a true reflection of what transpired in the meeting.</p> <p><b>Minutes of the previous meeting: 21 February 2018</b></p> <p><b><u>COUNCIL RESOLVED:</u> (28 MARCH 2018)</b></p> <p>That the minutes of the 1<sup>st</sup> Extra-ordinary Council meeting held on 21 February 2018 <b>BE ADOPTED</b> as a true reflection of what transpired in the meeting.</p> <p><b>Minutes of the previous meeting: 28 February 2018</b></p> <p><b><u>COUNCIL RESOLVED:</u> (28 MARCH 2018)</b></p> <p>That the minutes of the 1<sup>st</sup> Special Council meeting held on 28 February 2018 <b>BE ADOPTED</b> subject to the following correction:</p> <p><b>SA1 of 2018</b></p> <p>That resolution 4 and 5 of Item SA1 of 2018 should be merged to read as follows:</p> <p><i>“4. That Council <b>SHOULD REDUCE</b> the budget in the next financial year so that the expenditure should be according to the revenue collection, which is 60% currently.”</i></p> <p><b>Minutes of the previous meeting: 19 March 2018</b></p> <p><b><u>COUNCIL RESOLVED:</u> (28 MARCH 2018)</b></p> <p>That the minutes of the 2<sup>nd</sup> Special Council meeting held on 19 March 2018 <b>BE ADOPTED</b> subject to the following corrections:</p> <p><b>COUNCILLORS’ ATTENDANCE</b></p> <p><i>“That Cllr KR Tlake submitted an apology for the said meeting.”</i></p> <p><b>SA3 of 2018</b></p> <p>That resolution 5 of Item SA3 of 2018 be corrected to read as follows:</p> <p><i>“That the money collected for electricity <b>BE RING-FENCED</b> up to R30 million.”</i></p>
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# V

(m)	<p><b>Matters arising from the minutes: 31 January 2018</b></p> <p><b>A15 of 2018</b></p> <p>Cllr A. Styger indicated that his questions that were deferred from the 31 January 2018 meeting were not included in the Agenda and requested that they be included in the next Council meeting.</p> <p><b>MATTERS ARISING FROM ITEM A102 OF 2017</b></p> <p>Cllr K.R Tlake wanted to know whether the 7 Town Planners from the Province that were supposed to assist in allocation of sites had been sent and whether the process of allocation of sites would be finalized by end of March 2018, as promised.</p> <p>Cllr TD Khalipha explained that the programme resumed in Kutloanong but it was disturbed by the unlawful invasion of land and requested that the Municipality should utilize the Security Cluster and Police Officers to deal with people who are breaking the law as the power to alienate land is delegated to Council only.</p> <p><b>Matters arising from the minutes: 28 February 2018</b></p> <p><b>SA2 of 2018</b></p> <p>Cllr A. Styger wanted to know whether the Committee that was mandated by Council to persuade Sedibeng to write-off the municipal debt had done so or not.</p> <p>The Speaker informed Councillors that the Minister had promised to do a road-show to interact with municipalities which are experiencing problems on matters of Sedibeng and ESKOM and therefore requested the mandated Committee to prepare themselves for that interaction when the Minister comes to the Free State Province.</p>
(n)	<p><b>Questions of which notice had been given</b></p> <p>The Speaker indicated that his Office had received questions from Cllr Badenhorst, which should be included in the next Council meeting.</p>
(o)	<p><b>Reports of the Executive Committee/ Executive Mayor/ Committee Reports</b></p> <p><b>A27 – A31 of 2018</b></p>
(p)	<p><b>Reports of decisions taken under delegated powers</b></p> <p>None</p>
(q)	<p><b>Motions</b></p> <p>None</p>
(r)	<p><b>Closing</b></p> <p>The Speaker thanked everyone who attended and closed the meeting at <b>14h47</b>.</p>

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

.....  
DATE

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**A23 of 2018**

**APPOINTMENT OF AUDIT COMMITTEE (SPEAKER) (6/12/2/2)**

**PURPOSE**

To recommend appointment of an Audit Committee to the Municipal Council.

**DISCUSSION**

The Speaker requested Cllr SD Manese to present the item to Council.

**COUNCIL RESOLVED: (28 MARCH 2018)**

1. That Council **APPOINTS** the following five (5) candidates to serve as Audit Committee; with **Mr N. Mokhesi** as Chairperson for the remainder of Council term.
  - a) Mr N Mokhesi
  - b) Mr MNG Mahlatsi
  - c) Mr EM Mohlahlo
  - d) Mr M.J Mutsi
  - e) Ms N. G. Pule

**A24 of 2018**

**RESIGNATION OF COUNCILLOR M.S. TSOAELI 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.S Tsoaeli as a Councillor representing Economic Freedom Fighters in Matjhabeng Council, for noting.

**DISCUSSION**

The Speaker presented the item to Council.

**COUNCIL RESOLVED: (28 MARCH 2018)**

1. That Council **TAKES NOTE** of resignation of Cllr M. S. Tsoaeli.
2. That the Political Party concerned **SHOULD NOTIFY** the IEC of the vacancy and IEC would guide Council with regard to the filling of the vacancy.



**A25 of 2018**

**MUNICIPAL COUNCILLORS' PENSION FUND (MCPF) (SPEAKER) (5/4/4/1/1)**

**PURPOSE**

To brief Council about the current status of the Municipal Councillors' Pension Fund.

**DISCUSSION**

The Speaker presented the item to Council.

He informed Councillors that Curators had been appointed by the Court to take over the responsibility of the fund and they will interact with the Municipality in terms of their role.

During the discussion of this item, Councillors wanted clarity on what would happen to the monies of those who had already joined the CRF, should it be decided that they should go back to the MCPF.

It was agreed that the Committee appointed by Council to deal with the matter would interact with the Curators and when the Speaker receives their report, he would then call a Special Council meeting.

**COUNCIL RESOLVED: (28 MARCH 2018)**

1. That the report **BE NOTED**.

**A26 of 2018**

**OVERSIGHT REPORT IN RESPECT OF THE 2016/2017 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 2016/2017 financial year and recommendations made thereafter.

**DISCUSSION**

The MPAC Chairperson presented the item to Council.

**COUNCIL RESOLVED: (28 MARCH 2018)**

1. That Council, having fully considered the 2016/2017 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.

**A27 of 2018**

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

**PURPOSE**

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

**DISCUSSION**

The Executive Mayor presented the item to Council.

**COUNCIL RESOLVED: (28 MARCH 2018)**

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.

**A28 of 2018****THE 2018-2019 ANNUAL BUDGET FOR THE MATJHABENG MUNICIPALITY  
(EXECUTIVE MAYOR) (6/1/1/1)****PURPOSE**

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

**DISCUSSION**

The Executive Mayor presented the item to Council.

During the discussion of the item, Councillors reiterated that the Budget must be drawn according to the 60% that is informed by the current collection rate and not on the 70% projected in the Annexures.

**COUNCIL RESOLVED: (28 MARCH 2018)**

1. That Council **TAKES NOTE** of the 2018-2019 Annual Budget for the Matjhabeng Municipality.
2. That the 2018/19 Annual Budget **BE SUBJECTED** to a process of public participation.

**A29 of 2018****SPECIAL ADJUSTMENT BUDGET FOR 2016/2017 FINANCIAL YEAR  
(EXECUTIVE MAYOR) (6/1/1/1)****PURPOSE**

The purpose of the item is to request Council to approve the special adjustment budget for 2016/2017 financial year.

**DISCUSSION**

The Executive Mayor presented the item to Council.

**COUNCIL RESOLVED: (28 MARCH 2018)**

1. That the item **BE WITHDRAWN** as it was not legally compliant.

A30 of 2018

**REPORT ABOUT HARMONY GOLDMINE'S INTENTION TO DONATE THE REMAINING EXTENT OF THE FARM, MEALIE BUILT NO. 49 TO THE MUNICIPALITY (EXECUTIVE MAYOR) (6/4/2/2)**

**PURPOSE**

The purpose is to submit a report to Council about Harmony Gold Mine's intention to donate the remaining extent of the farm, Mealie Built No. 49 (next to Pabalong Village) to the Municipality.

**DISCUSSION**

The Executive Mayor presented the item to Council.

During the discussion of this item, Councillors raised their concerns that Harmony was merely donating a problem (a risk asset) to the Municipality as they were donating a piece of land with no infrastructure and expecting the almost bankrupt Municipality to provide services with no source of funding, as they did in Reahola.

They agreed that a team led by the Executive Mayor must meet with Harmony to engage with it to invest in the area by funding the development of the infrastructure, roads and housing in the area.

They also indicated that Harmony was not doing enough to develop the mining towns in terms of Social Labour Plans and therefore the Executive Mayor should write a letter to the Minister of Minerals to request him to come and meet with Harmony and other mining companies to seek money for revitalizing mining towns.

**COUNCIL RESOLVED: (28 MARCH 2018)**

1. That Council **TAKES NOTE** of the report.
2. That Council **DELEGATES** a team led by the Executive Mayor that would include the representatives from Provincial and National government to interact with Harmony to discuss the issue of infrastructure funding for that area and other areas where Harmony has donated land. **(Council will only re-consider the donation once funding to provide basic infrastructure had been secured)**
3. That the matter must be **BROUGHT BACK** to Council upon receipt of financial support from whoever could give financial support pertaining to the matter.
4. That Council **DOES NOT** condone any arbitrary land grabbing, irrespective whether the land is owned by Council, individuals or multi-national companies.

A31 of 2018

**VALUE ADDED TAX (VAT) INCREASE ON TARIFFS FOR THE 2017/18  
(EXECUTIVE MAYOR) (6/5)**

**PURPOSE**

To request Council for the approval of the increase in VAT from 14% to 15% with effect from 1 April 2018.

**DISCUSSION**

The Executive Mayor presented the item to Council.

**COUNCIL RESOLVED: (28 MARCH 2018)**

1. That Council **APPROVES** increase in VAT from 14% to 15% with effect from 1 April 2018.
2. That officials **MUST ENSURE** that the 15% levy is applied on services rendered from the 1<sup>st</sup> of April 2018 onwards and not on services rendered prior to that date, as some accounts are two months behind.
3. That the community should **BE NOTIFIED** of the VAT increase that will be effective from the 1<sup>st</sup> April 2018.