

# **MINUTES**

of the

**4<sup>TH</sup> ORDINARY COUNCIL MEETING  
FOR THE YEAR 2018**

of

**MATJHABENG MUNICIPALITY**

held on

**THURSDAY, 30 AUGUST 2018**

at

**15:00**

at the

**COUNCIL CHAMBERS, CIVIC CENTRE,  
WELKOM**

# I

## COUNCILLORS ATTENDANCE

### 4<sup>TH</sup> ORDINARY COUNCIL MEETING MINUTES: 30 AUGUST 2018

PROPORTIONAL			
1.	Stofile B ( <b>Speaker</b> )	19.	Masina XN
2.	Sephiri MJ ( <b>Chief Whip</b> )	20.	Mawela VE
3.	Speelman NW ( <b>Executive Mayor</b> )	21.	Moipatle KSV
4.	Badenhorst MJ	22.	Mthebere NA
5.	Botha PF	23.	Nqeobo ME
6.	Direko DR	24.	Ntsebeng MH
7.	Dyantyi A	25.	Phofeli NM
8.	Jacobs EJ	26.	Presente LN
9.	Jama BL	27.	Radebe MC
10.	Kabi M ( <b>Apology</b> )	28.	Radebe ML
11.	Khetsi LE ( <b>Apology</b> )	29.	Rakaki MM
12.	Letlhake TW	30.	Ramabodu BM
13.	Lushaba TB	31.	Sithole AM
14.	Macingwane MT	32.	Styger A
15.	Mafaisa MG	33.	Taljaard SDM
16.	Manenye AJ	34.	Thelingoane NE
17.	Manese SD	35.	Tshopo ME
18.	Marais JS	36.	Van Rooyen KV
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	60.	Nthako TD
43.	Liphoko SJ	61.	Ntuli BN
44.	Mafa DM	62.	Pholo SJ
45.	Mahlumba BH	63.	Poo IP
46.	Malherbe C	64.	Ramalefane SJ
47.	Manzana NR	65.	Ramatisa PT
48.	Masienyane MD	66.	Sebotsa MM
49.	Meli TS	67.	Thelingoane TJ
50.	Mokhomo HA	68.	Tlake KR
51.	Molefi M	69.	Tsatsa SJ
52.	Molelekoa PMI	70.	Tshabangu SE
53.	Moloja NJ	71.	Van Rooyen MS
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 Support Services
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> The Speaker welcomed everyone present at the 4 <sup>th</sup> Ordinary Council meeting for the year 2018 and declared the meeting open.
<b>(b)</b>	<b>Applications for leave of absence</b> See Councillors' attendance list on page <b>I</b> of these minutes.
<b>(c)</b>	<b>Official announcements of the Speaker</b> The Speaker informed members that a new Councillor would be taking an Oath of office as a member of Matjhabeng Local Municipality. He then requested the Magistrate to administer the Oath.
<b>(d)</b>	<b>Taking of Oath by the a Councillor</b> 1. Cllr A. Dyantyi was sworn in by the Senior Magistrate, Mr S. Ferreira as a replacement for Cllr M.E. Senxezi, representing the Economic Freedom Fighters (EFF). The Speaker thanked the Magistrate for availing himself to assist in administering the Oath and allowed him to be released. He then congratulated the newly sworn Councillor and welcomed him in Council.
<b>(e)</b>	<b>Reports of the Speaker in terms of rules 15(1) and 99(4)</b> None
<b>(f)</b>	<b>Tabling of documents prescribed by statute or these rules and orders</b> None
<b>(g)</b>	<b>Applications and appeals from Councillors in terms of rules 14(1), 67 and 72</b> None
<b>(h)</b>	<b>Reports received from the Speaker</b>  <b>A56 – A67 of 2018 &amp; 108 of 2018</b> After the presentation of his reports, the Speaker announced that the meeting would be adjourned to be continued on Tuesday, the 4 <sup>th</sup> September due to the illumination problem experienced in the Council Chambers. He allowed the Executive Mayor to present only those items which in terms of regulations, are supposed to be tabled before the end of August.
<b>(i)</b>	<b>Motions of sympathy and congratulations by the Speaker</b> To be dealt with during the continuation meeting.
<b>(j)</b>	<b>Motions of sympathy and congratulations by other Councillors</b> To be dealt with during the continuation meeting.
<b>(k)</b>	<b>Deputations and interviews</b> None

## IV

<b>(l)</b>	<b>Disclosure of interest</b> 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.
<b>(m)</b>	<b>Minutes of the previous meeting</b> To be dealt with during the continuation meeting.
<b>(n)</b>	<b>Matters arising from the minutes</b> To be dealt with during the continuation meeting.
<b>(o)</b>	<b>Questions of which notice had been given</b> To be dealt with during the continuation meeting.
<b>(p)</b>	<b>Reports of the Executive Committee/ Executive Mayor/ Committee Reports</b>  <b>A80 – A107 of 2018</b>
<b>(q)</b>	<b>Reports of decisions taken under delegated powers</b> None
<b>(r)</b>	<b>Motions</b> None
<b>(s)</b>	<b>Closing</b> The Speaker informed members that the meeting was not closed but adjourned at <b>19h15</b> to be continued on <b>Tuesday, the 4<sup>th</sup> September 2018.</b>

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

.....  
**DATE**

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# 1

**//Items A56-A57 of 2018 were presented concurrently//**

## **A56 of 2018**

### **REVIEWED AUDIT COMMITTEE CHARTER (SPEAKER) (6/12/3/2)**

#### **PURPOSE**

To submit the reviewed Audit Committee Charter for 2018/19 financial year to Council for approval.

#### **DISCUSSION**

The Speaker indicated that Items A56- A57 of 2018 were supposed to be presented by the Chairperson of the Audit Committee, which was recently appointed by Council.

#### **COUNCIL RESOLVED: (30 AUGUST 2018)**

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

## **A57 of 2018**

### **THREE YEAR INTERNAL AUDIT PLAN - 2018-2021 (SPEAKER) (6/12/1)**

#### **PURPOSE**

To submit a three year Internal Audit Plan to Council for noting.

#### **DISCUSSION**

The Speaker indicated that the Item would not be discussed.

#### **COUNCIL RESOLVED: (30 AUGUST 2018)**

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

## **A58 of 2018**

### **INAUGURATION OF AN EFF PR COUNCILLOR (SPEAKER) (3/7/1/1)**

#### **PURPOSE**

To inform the Council about the new Councillor of EFF, Councillor Akhona Dyantyi who is replacing former Councillor ME Senxezi who resigned.

**DISCUSSION**

The Speaker presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council **TAKES NOTE** of the new Councillor from EFF.

**A59 of 2018**

**PUBLIC PARTICIPATION ENHANCEMENT (OFFICE OF THE SPEAKER)**  
**(3/8/1/1)**

**PURPOSE**

To highlight the gaps and shortfalls within the system of the Public Participation in our Communities.

**DISCUSSION**

The Speaker presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That the item **BE WITHDRAWN**.

**A60 of 2018**

**ESTABLISHMENT OF WOMEN MULTI PARTY CAUCUS IN MATJHABENG**  
**(SPEAKER) (3/8/1/3)**

**PURPOSE**

To report back to Council on the election of the Women Multi-Party Caucus Committee and its Chairperson.

**DISCUSSION**

The Speaker presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council **TAKES NOTE** of the establishment of Women Multi-Party Caucus.
2. That the following Councillors **ARE ELECTED** to serve in the Committee:
  - 2.1 Cllr KSV Moipatle as Chairperson;

### 3

- 2.2 Cllr C. Malherbe as Deputy Chairperson;
- 2.3 Cllr AJ Jacobs as additional member;
- 2.4 Cllr XN Masina as additional member; and
- 2.5 Cllr N. Thelingoane as additional member.

#### **A61 of 2018**

#### **COUNCILLOR WELFARE AND EMPOWERMENT SUPPORT (SPEAKER) (3/1/4/3)**

##### **PURPOSE**

To update Councillors on the key developments with regard to Councillor Welfare and Empowerment Support.

##### **DISCUSSION**

The Speaker presented the item to Council.

#### **COUNCIL RESOLVED: (30 AUGUST 2018)**

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

#### **A62 of 2018**

#### **KILLING OF COUNCILLORS AND LOCAL GOVERNMENT ADMINISTRATION (SPEAKER) (3/1/1)**

##### **PURPOSE**

The Speaker thought that it is important to share the information in regard to the killings of Councillors and Local Government Administrators which is being debated by SALGA at National level.

##### **DISCUSSION**

The Speaker presented the item to Council.

During the discussion of this item, Councillors raised concerns with regard to their safety and requested the Municipality to find ways of protecting all of them as well as local government administrators.

#### **COUNCIL RESOLVED: (30 AUGUST 2018)**

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

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2. That the Municipal Manager **MUST ENSURE** that the Police and the Security Officers are present in any mass meeting to protect all Councillors who are attending.
3. That Security and control measures must **BE INTENSIFIED** in the entrance of the Municipal Main Building, including all other Municipal Buildings in all Units.

### **A63 of 2018**

#### **REPORT ABOUT MUNICIPAL CONCILLORS PENSION FUND (SPEAKER)** **(3/1/4/5)**

##### **PURPOSE**

To brief the Council on the issue of the Municipal Councillors Pension Fund. The meeting took place on the 13 June 2018.

##### **DISCUSSION**

The Speaker presented the item to Council.

He indicated the MCPF conducted roadshows throughout the Country and the team that was appointed by Council met and interacted with them in Bloemfontein. He mentioned that there were discussions to create one fund that will accommodate all Public Office Bearers.

Concerning the MCPF issue, he mentioned that there is some sort of an understanding and agreement that those who want to transfer their monies to other funds can be permitted to do so but that process could take 6-12 months.

During the discussion of the item Cllr Tlake requested Council to take a definite resolution to withdraw from the Fund as it seemed that there were lots of problems in the Fund.

The Speaker explained that the Fund was still under management of Curators who were directed by the High Court to do investigations and give reports.

##### **COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That continuous engagements to deal with the challenges **WOULD CONTINUE** until an agreement is reached.

### **A64 of 2018**

#### **LAND GRAB ACTIVITIES IN MATJHABENG (SPEAKER) (6/9/2)**

##### **PURPOSE**

To inform the Council about land grab activities that are taking place in Matjhabeng.

**DISCUSSION**

The Speaker presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That the item **BE WITHDRAWN**.

**A65 of 2018**

**REPORT BACK ON THE MATTER PERTAINING TO FORMER COUNCILLOR M.E. SENXEZI (SPEAKER) (3/1/4/2)**

**PURPOSE**

To apprise Council in respect of whether any part of Cllr Senxezi's allowance could be legally recoverable from him for absconding.

**DISCUSSION**

The Speaker presented the item to Council.

During the discussion of the item, the Speaker indicated that he was informed that former Cllr Senxezi did not return the gadget which was allocated to him as a tool of trade for performing his duties as a Councillor. He also indicated that he was informed that he is no longer in the Free State Province but residing in North West Province but attempts were being made to recover the gadget.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That the money that was paid to former Cllr Senxezi during the period of his absconding, which amounts to **R5 311.84**, must **BE RECOVERED**.

**A66 of 2018**

**MPAC RESOLUTION OF T16 1300 SANITATION AND NYAKALLONG WASTE WATER PROJECTS (MPAC CHAIRPERSON) (19/8/6)**

**PURPOSE**

To inform Council of the Committee's resolution on T16 1300 sanitation and Nyakallong Waste Water Treatment Plant projects reported as Irregular expenditure during the 2016/17 financial year.

**DISCUSSION**

The MPAC Chairperson presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That all issues **BE CORRECTED** at the Contractor's costs to ensure that the project is fully functional and fulfills the service delivery intention of the Project.
2. That no further monies **ARE TO BE SPENT** by the Municipality on this Project.
3. That retention monies withheld for the Project should **NOT BE PAID** over to the Contractor; and
4. Should the project not be functional by 30 December 2018, a criminal case should **BE OPENED** and all punitive measures as per contractual terms be enforced.
5. That the Accounting Officer must ensure that the R6,9 million paid to the first Consultant whose contract was cancelled due to unsatisfactory drawings **IS RECOVERED**.

**A67 of 2018****MPAC COMMITTEE REPORT ON THE IRREGULAR AND FRUITLESS AND WASTEFUL EXPENDITURE INCURRED FOR THE PERIOD ENDED 30 JUNE 2018 (MPAC CHAIRPERSON) (6/1/2/2)****PURPOSE**

To submit to Council the MPAC report on Irregular and Fruitless and Wasteful Expenditure incurred for the financial periods ended 30 June 2018 as mandated by council.

**DISCUSSION**

The MPAC Chairperson presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council **TAKES NOTE** of the MPAC Committee report on irregular expenditure.
2. That Council **CERTIFIES** an amount of **R131 743 864,71 (R110 144 656,48 excl. vat)** detailed below as irrecoverable and be write-off.
3. That the appropriate disclosure note **BE MADE** to the financial statements for the year ending 30 June 2018.
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

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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.
6. That Council **TAKES NOTE** of the MPAC Committee report on fruitless and wasteful expenditure.
7. That Council **CERTIFIES** an amount of **R167 497 846,03** detailed below as irrecoverable and be write-off.
8. That the appropriate disclosure note **BE MADE** to the financial statements for the year ending 30 June 2018.
9. 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
10. 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.

*//The Speaker allowed the Executive Mayor to present only those items which in terms of regulations are supposed to be tabled before the end of August, due to the illumination problem encountered//*

**A68 – A79 of 2018 - dealt with on the 6<sup>th</sup> September 2018.**

**A80 of 2018**

**APPROVAL OF THE BANKING FACILITIES AND OVERDRAFT OFFERED BY ABSA BANK LIMITED FOR THE 2018/19 FINANCIAL YEAR (EXECUTIVE MAYOR) (6/3/1/2)**

### **PURPOSE**

To request approval for the Banking Facilities and overdraft offered by ABSA Bank Limited for the 2018/19 financial year.

### **DISCUSSION**

The Executive Mayor presented the item to Council.

### **COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council **APPROVES** the Banking Facilities and overdraft facilities of **R20 000 000** for the 2018/19 financial year.
2. That a correction **BE MADE** on the 4<sup>th</sup> sentence of the background to replace the word “Mayor” with the word “Municipal Manager”.

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**A81 – A82 of 2018 - dealt with on the 6<sup>th</sup> September 2018.**

**A83 of 2018**

**REQUEST FOR COUNCIL TO WRITE-OFF OBSOLETE MOVABLE ASSETS FOR THE 2017/2018 FINANCIAL YEAR END (EXECUTIVE MAYOR) (7/2/1/1)**

**PURPOSE**

To submit a request to Council for write-off of movable assets.

**DISCUSSION**

The Executive Mayor presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council grants approval **TO WRITE OFF** the obsolete movable assets in terms of Section 14 (2) (a) of MFMA.
2. That all of those items must **BE SOLD** on public Auction.

**A84 of 2018**

**FRAUD INVESTIGATIONS 2017/18 FINANCIAL PERIOD (EXECUTIVE MAYOR) (5/6/2)**

**PURPOSE**

To bring to attention the fraudulent activities that have taken place in the municipality during the 2017/18 financial period.

**DISCUSSION**

The Executive Mayor presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council **TAKES NOTE** of the fraudulent activities reported to SAPS.
2. That legal action should **BE TAKEN** against all implicated Municipal employees who are found guilty.
3. That Council mandates the Municipal Manager to interact with the Department of Human Settlements Organized Crime team to request them **TO SPEED UP** the investigation on allegations of fraudulent activities pertaining to Rental Units, especially in Masimong and Merriespruit and a report be submitted at the next Council meeting.
4. That all necessary procedures to **BE FOLLOWED**.



**A85 of 2018****RELATED PARTIES (EXECUTIVE MAYOR) (3/1/1)****PURPOSE**

To bring to the attention of Council the related parties transaction that occurred during the 2017/18 financial period.

**DISCUSSION**

The Executive Mayor presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council must **TAKE NOTE** of the 2017/18 related parties reported.

**A86 of 2018****DRAFT UNAUDITED ANNUAL PERFORMANCE REPORT 2017/2018: MATJHABENG LOCAL MUNICIPALITY (EXECUTIVE MAYOR) (5/6/2/7)****PURPOSE**

The purpose of the item is to table the draft unaudited Annual Performance Report for the financial year 2017/2018 to Council for noting.

**DISCUSSION**

The Executive Mayor presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council **NOTES** the draft unaudited Annual Performance report for the financial year 2017/18.
2. That the draft unaudited annual performance report 2017/2018 **BE SUBMITTED** to Provincial and National Treasuries as well as Provincial COGTA after Council has noted the report.
3. That the draft unaudited annual performance report 2017/2018 **BE SUBMITTED** to office of the Auditor General by the 31<sup>st</sup> August 2018 for auditing purpose.

**A87 of 2018**

**DRAFT UNAUDITED ANNUAL REPORT 2017/2018: MATJHABENG LOCAL MUNICIPALITY (EXECUTIVE MAYOR) (12/1/1)**

**PURPOSE**

The purpose of the item is to table the draft unaudited annual report for the financial year 2017/2018 to Council for noting.

**DISCUSSION**

The Executive Mayor presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council **NOTES** the draft unaudited annual report for the Financial Year 2017/18.
2. That the draft unaudited annual performance report 2017/2018 **BE SUBMITTED** to Office of the Auditor General for audit purpose.
3. That the draft unaudited report **BE SUBMITTED** to the Provincial and National Departments of Cooperative Governance and Traditional Affairs as well as the Provincial and National Treasuries.

**A88 of 2018 - dealt with on the 6<sup>th</sup> September 2018.**

**A89 of 2018**

**MELODING INDOOR SPORTS & RECREATIONAL FACILITY: REQUEST FOR BUDGET MAINTENANCE (EXECUTIVE MAYOR) (6/1/1-2018/19) (10/1/2)**

**PURPOSE**

The purpose of this item is to present before Council the current status and progress report on the New Indoor Sport and Recreational Facility at Meloding (Virginia) Phase 1 in compliance with Municipal Systems Act 32 of 2000; Section 73 (1), and to request approval of the budget maintenance.

**DISCUSSION**

The Executive Mayor presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That the budget maintenance of an additional amount of **R 1 463 415.76** from MIG money **BE APPROVED** to increase the project value to **R 47 177 415, 76**.

A90 of 2018

## **REPORT ON THE STATUS OF THE CONTRACTS OF PRIVATE SECURITY WITHIN THE MUNICIPALITY (EXECUTIVE MAYOR) (1/1/32)**

### **PURPOSE**

To present to Council the status of the Private Security Contracts within the Municipality for consideration.

### **DISCUSSION**

The Executive Mayor presented the item to Council.

### **COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Contractors' Service Level Agreements which expired in 2012 **BE TERMINATED** by issuing the Contractors a 3 months' notice starting from the 1<sup>st</sup> July 2018 to 31 September 2018.
2. That the Municipality **SHOULD REDUCE** the areas (posts) that are guarded by private security, by identifying the posts where electronic security system can be installed, in order to minimize the huge security bill.
3. That a Cost analysis of having private security versus municipal security, installing surveillance/security cameras and the utilization of rapid response team **BE DONE** and a written report be submitted to Council.
4. That electronic security/surveillance cameras **BE INSTALLED** at focal points.
5. That the services of a rapid response security team **BE REQUESTED**.
6. That the process of tendering **SHOULD COMMENCE** from the 1<sup>st</sup> September 2018 for those areas (posts) that need physical security.
7. That the Municipality **MUST CONDUCT** skills audit and vetting of all the security personnel within the municipal employment as of the 1st September 2018.
8. That recruitment and appointment of Security Officers **BE FINALIZED** by the 30<sup>th</sup> of September 2018.
9. That the Municipal Manager should find out whether the Municipality **COULD CLAIM** for damages against the companies where vandalism happened in their watch.
10. That the Executive Mayor **WOULD VERIFY** whether any agreement was reached between the Municipality and those churches and would report back to Council.

**A91 of 2018**

**PHASING OUT OF PRIVATE SECURITY COMPANIES (EXECUTIVE MAYOR)**  
**(1/1/32)**

**PURPOSE**

The purpose of the item is to present a Plan for the phasing out of Private Security companies. The plan identifies specific steps that the Municipality will undertake to phase out existing services but still protecting its assets in the process, how it will respond to the various types of threat identified in risk assessment, and how it will create security awareness on acceptable use and protection of assets.

**DISCUSSION**

The Executive Mayor presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That the item **BE REFERRED BACK** and a cost analysis of having private security versus municipal security, installing surveillance/security cameras and the utilization of rapid response team be submitted to Council to enable it to take an informed decision.

**A92 – A102 of 2018 - dealt with on the 6<sup>th</sup> September 2018.**

**A103 of 2018**

**RESIGNATION OF THE EXECUTIVE DIRECTOR: INFRASTRUCTURE AND  
DECLARATION OF A VACANCY (EXECUTIVE MAYOR) (5/8/2)**

**PURPOSE**

The purpose of this item is to submit to Council the resignation of Me Betty Maswanganyi from the position of an Executive Director: Infrastructure and declaration of a vacancy, for consideration.

**DISCUSSION**

The Executive Mayor presented the item to Council.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council **ACCEPTS** the resignation of the Executive Director: Infrastructure effective from the 1<sup>st</sup> September 2018.
2. That Council **DECLARES** the vacancy of the Executive Director: Infrastructure in line with the regulations on appointment and Conditions of Service of Senior Managers of 2014.

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3. That Council **MANDATES** the Municipal Manager **TO ADVERTISE** the vacant post in line with the afore-mentioned regulations.
4. That a request **BE MADE** to COGTA to support the Municipality by deploying a qualified Engineer as per MISA arrangement to assist, until the Municipal Manager finalizes the appointment of the Executive Director: Infrastructure.

## A104 of 2018

### **APPOINTMENT OF THE ACTING EXECUTIVE DIRECTOR: LED, PLANNING & HUMAN SETTLEMENTS (EXECUTIVE MAYOR) ( )**

#### **PURPOSE**

The purpose of the item is to request to Council to appoint the acting of Executive Director: Local Economic Development, Planning and Human Settlements.

#### **DISCUSSION**

The Executive Mayor presented the item to Council.

#### **COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council **APPOINTS** Mr B. Golele as the acting Executive Director: LED, Planning and Human Settlements.
2. That the acting period should **NOT EXCEED** the period of three months.
3. That a report of the Committee who conducted the previous interviews for the said position should **BE SUBMITTED** in the next Council meeting.
4. That the position of the Executive Director **BE RE-ADVERTISED**.
5. That appointments for both positions of Executive Directors: Infrastructure and LED **SHOULD BE MADE**.

## A105 of 2018

### **SECOND REQUEST FOR COUNCIL TO WRITE-OFF OBSOLETE MOVABLE ASSETS FOR THE 2017/2018 FINANCIAL YEAR END (EXECUTIVE MAYOR) (7/2/1/1)**

#### **PURPOSE**

To submit a request to Council for write-off of movable assets.

## DISCUSSION

The Executive Mayor presented the item to Council.

### **COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That Council grants approval **TO WRITE OFF** the obsolete movable assets in terms of Section 14(2)(a) of MFMA.
2. That all of those items must **BE SOLD** on public Auction.

**A106 of 2018 - dealt with on the 6<sup>th</sup> September 2018.**

**A107 of 2018**

### **ERROR THAT OCCURRED TO SALARIES OF COUNCILLORS FOR THE MONTH OF AUGUST 2018 (EXECUTIVE MAYOR) (6/6/2)**

## PURPOSE

To report on the overpayment of Councillors for the month of August 2018.

## DISCUSSION

The Executive Mayor presented the item to Council.

### **COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That the Municipal Manager must ensure that the money **IS RECOVERED** from those Councillors who were overpaid.

**A108 of 2018**

### **ANTI-CORRUPTION TASK TEAM (SPEAKER) (20/2/3)**

## PURPOSE

To inform the Council about the agreement of the Multi-Party Committee to form the Anti-Corruption Task Team (ACTT).

## DISCUSSION

The Speaker presented the item to Council.

The Chief Whip, Cllr MJ Sephiri indicated that he would have loved to have a Multi-Party Committee that deals with corruption in the Municipality, but having looked at some legislative clauses that govern the local government, the structure such as the Multi-Party Committee has no authority over Council.

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He mentioned that Section 79 of the Municipal Structures Act, Act 117 of 1998 makes provision for Council to establish Section 79 Committees.

He also indicated that in terms of Rule 108 of the Standard Rules and Orders, a report from the Municipal Manager should be presented to Council before the establishment of such Committees and Rule 113 stipulates authority given to such Committees pertaining to decision-making. He mentioned that the Anti-corruption task team cannot be afforded legal standing as it was not established in terms of the above-mentioned legislation.

He also indicated that the Anti-corruption task team has no legal authority to submit items to Council through the Office of the Speaker, as reports on any financial misconduct including fraud and corruption were supposed to be submitted by the Accounting Officer, in terms of Section 61, 62 & 63 of the MFMA, Act No. 56 of 2003.

He therefore mentioned that it was not advisable to establish the Anti-corruption task team consisting of Councillors and instead fraud and corruption matters could be referred to established Committees, such as, MPAC, the Audit Committee, the Disciplinary Board on alleged financial misconduct and even to the Police and Hawks.

### **During the discussion of this item, several Councillors gave the following inputs:**

- The intent of Section 79 is to establish Committees that will advise Council and the Anti-corruption task team was aimed at advising Council on how to deal with corruption in the Municipality;
- All parties have agreed that a common problem that has led the Municipality to its downfall was corruption and Committees identified above have not yielded any positive results to uproot corruption- Councillors have a responsibility to advance the interest and plight of communities who trusted them;
- Terms of reference should be dealt with first, to enable the Committee to have authority to deal with the rot of corruption and act seriously on actions of misconduct;
- Council in principle should resolve to establish a Section 79 anti-corruption Committee subject to following the rules and mandate the Municipal Manager to submit a section 108 report in cooperation with the Multi-Party leadership, setting up the terms of reference in compliance with the rules as required, at the next Council meeting for approval;
- Instead of duplication, Committees that are already established should be strengthened;
- If Councillors are of the opinion that the established Committees are dysfunctional, members should be exchanged and replaced by effective ones;
- Although the issue of corruption remains a priority, the Municipality has appointed an Audit Committee to provide constructive and prompt reports and also to identify all issues that could pose material risks including corruption.

**COUNCIL RESOLVED: (30 AUGUST 2018)**

1. That the matter **BE REFERRED BACK** to allow the Municipal Manager to investigate in terms of Rule 108 whether there are any limitation for MPAC, Audit Committee and Disciplinary Board to deal with corruption and should there be any limitations, he must develop terms of reference and submit the report at the next Council meeting.