

MINUTES

of the

**5TH ORDINARY COUNCIL MEETING
FOR THE YEAR 2018**

of

MATJHABENG MUNICIPALITY

held on

TUESDAY, 04 DECEMBER 2018

at

15:00

at the

**COUNCIL CHAMBERS, CIVIC CENTRE,
WELKOM**

I

COUNCILLORS ATTENDANCE

5TH ORDINARY COUNCIL MEETING MINUTES: 04 DECEMBER 2018

PROPORTIONAL			
1.	Stofile B (Speaker)	19.	Masina XN
2.	Sephiri MJ (Chief Whip)	20.	Mawela VE
3.	Speelman NW (Executive Mayor)	21.	Moipatle KSV
4.	Badenhorst MJ	22.	Mthebere NA
5.	Botha PF (Apology)	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	28.	Radebe ML
11.	Khetsi LE	29.	Rakaki MM
12.	Letlhake TW	30.	Ramabodu BM (Absent)
13.	Lushaba TB	31.	Sithole AM
14.	Macingwane MT	32.	Styger A
15.	Mafaisa MG	33.	Taljaard SDM (Apology)
16.	Manenye AJ (Apology)	34.	Thelingoane NE (Apology)
17.	Manese SD	35.	Tshopo ME
18.	Marais JS	36.	Van Rooyen KV
WARD			
37.	Badenhorst HS	55.	Morris VR (Apology)
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 (Absent)	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 (Apology)
49.	Meli TS	67.	Thelingoane TJ
50.	Mokhomo HA	68.	Tlake KR (Apology)
51.	Molefi M	69.	Tsatsa SJ
52.	Molelekoa PMI	70.	Tshabangu SE (Absent)
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
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

(a)	<p>Opening</p> <p>The Speaker welcomed everyone present at the 5th Ordinary Council meeting for the year 2018 and declared the meeting open. He explained that the meeting was initially scheduled for the 27th November 2018 but was postponed to the 4th December 2018.</p>
(b)	<p>Applications for leave of absence</p> <p>See Councillors' attendance list on page I of these minutes.</p>
(c)	<p>Official announcements of the Speaker</p> <p>The Speaker informed Councillors that the MEC of COGTA would be given an opportunity to make a presentation to Council.</p>
(d)	<p>Reports of the Speaker in terms of rules 15(1) and 99(4)</p> <p>None</p>
(e)	<p>Tabling of documents prescribed by statute or these rules and orders</p> <p>None</p>
(f)	<p>Applications and appeals from Councillors in terms of rules 14(1), 67 and 72</p> <p>None</p>
(g)	<p>Reports received from the Speaker</p> <p>A109 of 2018</p>
(h)	<p>Motions of sympathy and congratulations by the Speaker</p> <p><u>Congratulations</u></p> <p>The Speaker congratulated the Councillors who were studying towards the Law and Administration Programme offered by the University of Fort Hare and stated that they were doing well.</p>
(i)	<p>Motions of sympathy and congratulations by other Councillors</p> <p><u>Congratulations</u></p> <ol style="list-style-type: none"> 1. Cllr TD Khalipha congratulated all volunteers from the community, churches and political parties who cleaned the city which was littered during the SAMWU strike. 2. The Executive Mayor also reiterated what was said by Cllr Khalipha and thanked all councillors, taxi associations and community members who volunteered to clean the city. 3. Cllr MT Macingwane congratulated Me Mandisa Makesini for being elected as an EFF first female Provincial Chairperson and also congratulated the EFF for holding a successful and peaceful Assembly. <p><u>Sympathy</u></p> <ol style="list-style-type: none"> 1. The Executive Mayor conveyed a message of sympathy to the Msimang family for the passing on of Mr Mendi Msimang and described him as the most disciplined stalwart member of the ANC Movement. 2. Cllr HCT Van Schalkwyk conveyed a message of sympathy to the Van der Westhuizen family for the passing on of Me Franci Van der Westhuizen.

IV

	<p><u>Sympathy</u></p> <p>3. Cllr TJ Mosia conveyed a message of sympathy to the following families for the passing on of their loved ones:-</p> <ul style="list-style-type: none"> (a) The Seduku family for the passing on of Mr Seduku, one of the long serving teachers in the community; (b) The Kaibe family for the passing on of Me M. Kaibe, also one of the long serving teachers in the community; (c) The Seshoka family for the passing on of Mr M. Seshoka of Naudeville.
(j)	<p>Deputations and interviews</p> <p>None</p>
(k)	<p>Disclosure of interest</p> <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>
(l)	<p>Minutes of the previous meeting: 30 August 2018</p> <p><u>COUNCIL RESOLVED: (04 DECEMBER 2018)</u></p> <p>That the minutes of the 4th Ordinary Council meeting held on the 30th August 2018 BE ADOPTED as a true reflection of what transpired in the meeting.</p> <p>Minutes of the previous meeting: 06 September 2018</p> <p><u>COUNCIL RESOLVED: (04 DECEMBER 2018)</u></p> <p>That the minutes of the continuation of the 4th Ordinary Council meeting held on the 6th September 2018 BE ADOPTED as a true reflection of what transpired in the meeting.</p>
(m)	<p>Matters arising from the minutes: 30 August 2018</p> <p>A91 of 2018</p> <p>Cllr MT Macingwane wanted an update on the plan to phase out private security companies. He wanted to know whether letters were written to the private companies to inform them of the phasing out and what steps has the Municipality taken to assist municipal Security Officers in manning those areas.</p> <p>The Executive Mayor indicated that he would find out and also cautioned the Municipality that when contracts are terminated, the matter of litigations should be considered.</p> <p><u>COUNCIL RESOLVED: (04 DECEMBER 2018)</u></p> <p>1. That Council Resolution Audits must BE TABLED in every Council meeting in order to enable Councillors to determine whether resolution taken are implemented or not.</p>

V

	<p>Matters arising from the minutes: 06 September 2018</p> <p>A78 of 2018</p> <p>The Executive Mayor informed Councillors that he was investigating the Overtime matter in his Office and a report would be tabled at the next Council meeting.</p> <p>A92 of 2018</p> <p>The Executive Mayor explained that the provision of fleet as approved by Council would be made after the Budget Adjustment.</p> <p>A98 of 2018</p> <p>The Executive Mayor informed Council that he had interacted with the MEC of Human Settlements to source Infrastructure funding for the formalization of sites in Hennenman.</p> <p>A101 of 2018</p> <p>The Executive Mayor explained that the identification of vacant land for short to medium term residential development in Nyakallong and Meloding was not done yet because other Councillors who were part of the established Steering Committee were committed elsewhere, by then.</p>
(n)	<p>Questions of which notice had been given</p> <p>A110 of 2018 – A116 of 2018</p>
(o)	<p>Reports of the Executive Committee/ Executive Mayor/ Committee Reports</p> <p>A117 – A131 of 2018</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 informed members that the meeting was not closed but adjourned at 17h45 because of load-shedding and would continue in January 2019.</p>

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CLLR B. STOFIE (SPEAKER)

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DATE

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A109 of 2018

UPDATE ON THE MUNICIPAL COUNCILLORS' PENSION FUND (SPEAKER)
(3/1/4/5)

PURPOSE

To table an advice to the Councillors whose benefits are still with the Municipal Councillors Pension Fund that they can transfer their benefits to any other Pension Fund of their choice.

DISCUSSION

The Speaker allowed Cllr MD Masienyane to present the item to Council. Cllr Masienyane then requested Cllr A. Styger to present the item.

Cllr A. Styger informed Council that item did not affect the new Councillors but only the returning Councillors who were already part of the Fund. He explained that the MCPF misappropriated the funds and as a result was placed under administration.

He indicated that Council took a decision to withdraw from the MCPF but such decision could not be done unilaterally. He explained that the Municipality was in breach of the contract by not paying the contributions to the Fund, as the Fund had not released the members.

He advised that Council could decide on the following options:-

- That the MCPF be persuaded to re-consider the release of Councillors from their Fund;
- That the MCPF be persuaded to let the Councillors carry on with their contributions without consideration of arrears or a payment plan could be agreed upon.

COUNCIL RESOLVED: (04 DECEMBER 2018)

1. That all Councillors who are affected must **MEET AND DISCUSS** the matter and the item be re-submitted to the next Council meeting with recommendations, to enable Council to take a decision.
2. That Cllr JS Marais **BE INCLUDED** in the list as he is also affected although he is a paid up member.

A110 of 2018

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR B.L. JAMA (MM) (3/1/3/2)

PURPOSE

To submit the questions raised by Cllr B.L. Jama and the response thereon by the Municipal Manager.

DISCUSSION

The Speaker allowed Cllr B.L. Jama to present the item to Council.

COUNCIL RESOLVED: (04 DECEMBER 2018)

1. That Cllr B.L. Jama **WOULD SUBMIT** follow-up questions to the Office of the Municipal Manager.

A111 of 2018

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR B.L. JAMA (MM) (3/1/3/2)

PURPOSE

To submit the questions raised by Cllr B.L. Jama and the response thereon by the Municipal Manager.

DISCUSSION

The Speaker allowed Cllr B.L. Jama to present the item to Council.

COUNCIL RESOLVED: (04 DECEMBER 2018)

1. That Cllr B.L. Jama **WOULD SUBMIT** follow-up questions to the Office of the Municipal Manager.

A112 of 2018

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR HCT VAN SCHALKWYK (MM) (3/1/3/2)

PURPOSE

To submit the questions raised by Cllr HCT Van Schalkwyk and the response thereon by the Municipal Manager.

DISCUSSION

The Speaker allowed Cllr HCT Van Schalkwyk to present the item to Council.

Cllr HCT Van Schalkwyk indicated that he was not satisfied with the response of the Municipal Manager as he indicated that the department was still investigating information from Archives. He indicated that the responsible Managers must seek information needed from Archives and answer the questions satisfactorily.

COUNCIL RESOLVED: (04 DECEMBER 2018)

1. That the Municipal Manager **MUST PROVIDE** adequate answers for the questions posed by Cllr HCT Van Schalkwyk.

A113 of 2018

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

PURPOSE

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

DISCUSSION

The Speaker allowed Cllr M.T. Macingwane to present the item to Council.

COUNCIL RESOLVED: (04 DECEMBER 2018)

1. That Cllr M.T. Macingwane **WOULD SUBMIT** follow-up questions to the Office of the Municipal Manager.

A114 of 2018

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

PURPOSE

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

DISCUSSION

The Speaker allowed Cllr M.T. Macingwane to present the item to Council.

COUNCIL RESOLVED: (04 DECEMBER 2018)

1. That Cllr M.T. Macingwane **WOULD SUBMIT** follow-up questions to the Office of the Municipal Manager.

A115 of 2018

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR P.F. BOTHA (MM) (3/1/3/2)

PURPOSE

To submit the questions raised by Cllr P.F. Botha and the response thereon by the Municipal Manager.

DISCUSSION

The Speaker indicated that the questions would not be dealt with as Cllr P.F. Botha was not present in the meeting.

COUNCIL RESOLVED: (04 DECEMBER 2018)

1. That the item **BE DEFERRED** to the next Ordinary Council meeting.

A116 of 2018

QUESTIONS OF WHICH NOTICE WAS GIVEN: CLLR M.S. VAN ROOYEN (MM) (3/1/3/2)

PURPOSE

To submit the questions raised by Cllr M.S. Van Rooyen and the response thereon by the Municipal Manager.

DISCUSSION

The Speaker allowed Cllr M.S. Van Rooyen to present the item to Council.

COUNCIL RESOLVED: (04 DECEMBER 2018)

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

//Items A117 of 2018 – A120 of 2018 were discussed concurrently//

A117 of 2018

MONTHLY FINANCE REPORT – JULY 2018 (EXECUTIVE MAYOR) (6/4/1)

PURPOSE

To submit to Council, the monthly Finance Report for July 2018 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003.

DISCUSSION

The Executive Mayor presented the item to Council.

During the discussion of Items A117 – A120 of 2018 several Councillors raised the following concerns with regard to the poor collection rate:-

- The Municipality does not send accounts to residents and businesses on monthly basis;
- Problematic billing system resulting in inaccurate accounts;
- No recourse for non-payment – no summons issued for defaulting clients;
- No information regarding Trifecta successes or failures as debt collectors;
- None enforcement of Credit Control policy by the Municipality;
- Lack of consequence management to Managers who are failing to perform their duties;
- None implementation of Council resolutions by Management;
- Employees who had become a second Council by being decision-makers instead of performing administration duties.

COUNCIL RESOLVED: (04 DECEMBER 2018)

1. That the Finance Report for July 2018 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE NOTED**.
2. That the Finance Report for July 2018 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE SUBMITTED** to Provincial and National Treasury.

A118 of 2018

MONTHLY FINANCE REPORT – AUGUST 2018 (EXECUTIVE MAYOR) (6/4/1)

PURPOSE

To submit to Council the Monthly Finance Report for August 2018 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: (04 DECEMBER 2018)

1. That the Finance Report for August 2018 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE NOTED**.
2. That the Finance Report for August 2018 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE SUBMITTED** to Provincial and National Treasury.

A119 of 2018**MONTHLY FINANCE REPORT – SEPTEMBER 2018 (EXECUTIVE MAYOR)**
(6/4/1)**PURPOSE**

To submit to Council the Monthly Finance Report for September 2018 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: (04 DECEMBER 2018)

1. That the Finance Report for September 2018 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE NOTED**.
2. That the Finance Report for September 2018 in terms of Section 71 of the Municipal Finance Management Act, number 56 of 2003, **BE SUBMITTED** to Provincial and National Treasury.

A120 of 2018**THREE MONTHS FINANCE REPORT: JULY - SEPTEMBER 2018 (EXECUTIVE MAYOR)**
(6/4/1)**PURPOSE**

To submit to Council the three Months Finance Report for July - September 2018 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: (04 DECEMBER 2018)

1. That the Finance Report for the Quarter (July - September 2018) 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 (July - September 2018) in terms of Section 52(d) of the Municipal Finance Management Act, number 56 of 2003, **BE SUBMITTED** to Provincial and National Treasury.

A121 of 2018**PROGRESS ON THE IMPLEMENTATION OF 2018/2019 ANNUAL BUDGET
(EXECUTIVE MAYOR) (6/1/1/1)****PURPOSE**

To report to Council on the progress made regarding the implementation of the 2018/19 Annual Budget resolution (A43 of 2018).

DISCUSSION

The Executive Mayor presented the item to Council.

During the discussion of this item, the Executive Mayor indicated that the collection rate does not reach the budgeted target. He also indicated that there was an area called Nkandla in Virginia which was not metered.

He also indicated that some municipal Officials and Councillors are owing the Municipality.

COUNCIL RESOLVED: (04 DECEMBER 2018)

1. That the progress report on Implementation of the 2018/2019 Budget **BE NOTED**.

//At 16h10, ESKOM implemented load-shedding and the Speaker requested that the meeting be halted and resume at 16h30//

//When Council resumed at 16h30, Council decided to deal with Items A129 – A131 of 2018 as the recording of the proceedings could not be done due to load-shedding//

A122 – A128 of 2018 to be deliberated in January 2019 Council meeting.

A129 of 2018**APPOINTMENT OF THE SELECTION PANEL FOR THE POSITION OF THE
EXECUTIVE DIRECTOR: LED, PLANNING & HUMAN SETTLEMENTS AND
EXECUTIVE DIRECTOR: INFRASTRUCTURE (EXECUTIVE MAYOR) (5/3/2/1)****PURPOSE**

The purpose of this item is to request Council to appoint selection panels for the vacant positions of Executive Director: LED, Planning & Human Settlements and Executive Director: Infrastructure, in line with the Local Government: Regulations on the appointments and conditions of employment of Senior Managers of 17 January 2014.

8

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (04 DECEMBER 2018)

1. That Council **APPOINTS** a selection panel comprising of five (5) members to do the shortlisting and interviews for the position of Executive Director: LED, Planning & Human Settlements as well as for the position of Executive Director: Infrastructure.
2. That the appointed selection panel **WOULD COMPRISE** of the following members:
 - 2.1 The Municipal Manager;
 - 2.2 The Executive Mayor or his delegate;
 - 2.3 A representative of COGTA;
 - 2.4 A representative of SALGA;
 - 2.5 One member from DA and EFF - one would be part of the panel that would interview the Executive Director: LED and the other be part of the panel that would interview the Executive Director: Infrastructure.

A130 of 2018

REQUEST FOR EXTENSION OF THE ACTING PERIOD OF EXECUTIVE DIRECTOR: LOCAL ECONOMIC DEVELOPMENT, PLANNING AND HUMAN SETTLEMENTS (MM) (5/5/2)

PURPOSE

The purpose of the item is to request Council to approve an application to the MEC for COGTA to grant permission for the extension of the acting period of Executive Director: Local Economic Development, Planning and Human Settlements.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (04 DECEMBER 2018)

1. That Council **APPROVES** the request for an application for the extension of the acting period of Mr. Barry Golele in terms of section 56(1) (c) of the MSA as amended.
2. That the extension must **NOT EXCEED** a period of three months.
3. The application for extension must **NOT BE CONSTRUED** by the incumbent as legitimate expectation for appointment to the post.
4. That the Executive Mayor **IS DELEGATED** to depose the letter to the MEC of Local Government.

A131 of 2018

A REPORT ON THE UNPROTECTED STRIKE BY SAMWU (EXECUTIVE MAYOR) (5/13/1)

PURPOSE

The purpose of this item is to provide Council with a report of the unprotected strike by SAMWU from the 13th November 2018 until the 28th November 2018.

DISCUSSION

The Executive Mayor presented the item to Council.

During the discussion of this item the following suggestions were made:

- The Municipality must **be depoliticized** and administration must be professional;
- That only the overtime **approved by the Municipal Manager must be paid** and unapproved overtime and overtime above the threshold must not be paid;
- That **consequences** should be taken against people **who sign** for unauthorized overtime;
- That the Directors should **monitor** the claims of overtime work **to ensure that work was indeed done**;
- That the CFO should also **monitor the claims before payment is made**.

COUNCIL RESOLVED: (04 DECEMBER 2018)

1. That the Municipal Manager **MUST PRIORITIZE** Sedibeng, ESKOM and employees.
2. That the Municipal Manager **MUST ENSURE** that third parties are paid immediately.
3. That the Municipal Manager must **SORT OUT** the issue of the Executive Mayor's vehicle and the Speaker's vehicle before the end of 2018 year.
4. That the Municipal Manager must **ACT DECISIVELY** against those employees who breached the code of conduct of employees (breaking the Executive Mayor's door and vandalizing the Municipal property) by applying Section 55 (1) (g) of the Municipal Systems Act.
5. That the Municipal Manager **MUST APPLY** the "no work, no pay" principle.
6. That the Executive Mayor and the Municipal Manager must **GIVE AN UPDATE** on the progress of the full operations system (shift system) in January 2019.
7. That the Municipal Manager **MUST ENSURE** that the unlawful tendency of non-payment of third parties, although the monies were deducted from employees' salaries, never happens again.
8. That a report must **BE SUBMITTED** to Council at the end of the first quarter of 2019.