

MINUTES

of the

**2nd ORDINARY COUNCIL MEETING
FOR THE YEAR 2019**

of

MATJHABENG MUNICIPALITY

held on

THURSDAY, 28 FEBRUARY 2019

at

15:00

at the

**COUNCIL CHAMBERS, CIVIC CENTRE,
WELKOM**

I

COUNCILLORS ATTENDANCE

2ND ORDINARY COUNCIL MEETING MINUTES: 28 FEBRUARY 2019

PROPORTIONAL			
1.	Stofile B (Speaker)	19.	Masina XN (Apology)
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 (Apology)
9.	Jama BL	27.	Radebe MC
10.	Kabi M (Apology)	28.	Radebe ML
11.	Khetsi LE	29.	Rakaki MM
12.	Letlhake TW (Apology)	30.	Ramabodu BM
13.	Lushaba TB	31.	Sithole AM
14.	Macingwane MT	32.	Styger A
15.	Mafaisa MG (Absent)	33.	Taljaard SDM
16.	Manenye AJ	34.	Thelingoane NE
17.	Manese SD (Apology)	35.	Tshopo ME (Apology)
18.	Marais JS	36.	Van Rooyen KV (Apology)
WARD			
37.	Badenhorst HS	55.	Morris VR (Apology)
38.	Chaka MS	56.	Moshoeu ZS
39.	Daly A (Apology)	57.	Mosia TJ (Absent)
40.	Khalipha TD	58.	Mphikeleli MA
41.	Khothule MJ	59.	Nkonka BB
42.	Kopela MP	60.	Nthako TD
43.	Liphoko SJ	61.	Ntuli BN (Apology)
44.	Mafa DM	62.	Pholo SJ
45.	Mahlumba BH (Apology)	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 (Absent)
50.	Mokhomo HA	68.	Tlake KR (Absent)
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 (Apology)



EXECUTIVE MANAGEMENT

Mr ET Tsoaeli	:	Municipal Manager
Mr T. Makofane	:	Executive Director: Strategic 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 everybody present at the 2nd Ordinary Council meeting for the year 2019 and declared the meeting open.</p> <p>He informed members that the meeting was called on request of the Executive Mayor in order to deal with the outstanding matters that were not finalized from the meeting held on 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>None</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>A8 of 2019 – A10 of 2019 & C1 of 2019</p>
(h)	<p>Motions of sympathy and congratulations by the Speaker</p> <p><u>Congratulations</u></p> <ol style="list-style-type: none"> 1. The Speaker congratulated Cllr M.D. Masienyane on his appointment to serve in the National Association of Municipal Public Accounts Committee. 2. He also congratulated him for the good work he was doing as Matjhabeng MPAC was declared in Parliament, as the best performing MPAC in the Free State.
(i)	<p>Motions of sympathy and congratulations by other Councillors</p> <p><u>Congratulations</u></p> <ol style="list-style-type: none"> 1. Cllr PMI Molelekoa congratulated Cllr KR Tlake on his election as the Free State Municipal Pension Fund deputy Chairperson. 2. He also congratulated him on his election as SANCO Regional Chairperson. 3. The Executive Mayor also congratulated Cllr M.D. Masienyane on his appointment to serve in the National Association of Municipal Public Accounts Committee. 4. He also congratulated the Free State Premier for tabling the State of the Province Address which accommodated the Municipality in some of the projects which were going to be implemented in Matjhabeng area.

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	<p><u>Sympathy</u></p> <ol style="list-style-type: none"> 1. Cllr TB Lushaba conveyed a message of condolences to the Zungu family for the passing on of Me Neliswa Zungu, one of the municipal employees who passed away as a result of an accident on duty. 2. Cllr M.T. Macingwane conveyed a message of condolences to the Mokoena family for the passing on of Me Dudu Mokoena who died as a result of poor service she received from Bongani Hospital medical staff, who left a pair of scissors in her tummy during the caesarean delivery of her baby. 3. The Executive Mayor conveyed a message of sympathy to all families who lost their loved ones during the mining strike and wished that the mining industry would intervene and resolve the issues that led to the strike.
(j)	<p>Deputations and interviews</p> <p>The Speaker indicated that his Office had dispatched a message pertaining to the presentation that was supposed to be made in Council by COGTA but during his interaction with the MEC, they agreed that the matter should be held in abeyance until the MEC processes all matters that needed to be processed.</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: 31 January 2019</p> <p><u>COUNCIL RESOLVED: (28 FEBRUARY 2019)</u></p> <p>That the minutes of the 1st Ordinary Council meeting held on the 31st January 2019 BE ADOPTED as a true reflection of what transpired in the meeting.</p>
(m)	<p>Matters arising from the minutes: 31 January 2019</p> <p>None</p>
(n)	<p>Questions of which notice had been given</p> <p>A11 of 2019 – A12 of 2019</p>
(o)	<p>Reports of the Executive Committee/ Executive Mayor/ Committee Reports</p> <p>A13 – A28 of 2019 & A30 – A32 of 2019</p>
(p)	<p>Reports of decisions taken under delegated powers</p> <p>None</p>
(q)	<p>Motions</p> <p>A29 of 2019</p>
(r)	<p>Closure</p> <p>The Speaker thanked everyone who attended and closed the meeting at 16h10.</p>

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CLLR B. STOFIE (SPEAKER)

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DATE

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A8 of 2019

ELECTION OF COUNCILLOR M.D. MASIENYANE INTO NAMPAK (SPEAKER) (4/1/2/2)

PURPOSE

To make Council aware that Cllr M.D. Masienyane, besides being the Chairperson of MPAC, has been also elected to serve in a National Structure called “National Association of Municipal Public Accounts Committees” (NAMPAC).

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

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

A9 of 2019

REPORT OF THE SPEAKER REGARDING THE PERFORMANCE OF 36 WARDS (SPEAKER) (3/7/1/6)

PURPOSE

To bring the report to Council regarding the performance of all thirty six Wards of Matjhabeng.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That the item **BE WITHDRAWN** in order to allow the Speaker to deal with certain matters in the report.

A10 of 2019

SUBMISSION OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MPAC'S TERMS OF REFERENCE (MPAC CHAIRPERSON) (4/1/2/2)

PURPOSE

To submit draft terms of reference to Council for consideration.

DISCUSSION

The Speaker allowed Cllr M.D. Masienyane to present the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That Council **APPROVES** the terms of reference for use by MPAC for the duration of the current term.

A11 of 2019

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: (28 FEBRUARY 2019)

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

A12 of 2019

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

PURPOSE

To submit the questions raised by Cllr M.J. Badenhorst.

DISCUSSION

The Speaker allowed Cllr M.J. Badenhorst to present the item to Council.

Cllr M.J. Badenhorst expressed her disappointment and frustration for not receiving response on her questions which she submitted more than a month ago.

The Speaker indicated that non-response to questions posed by Councillors was contrary to the rules and it was a wrong practice by Administration. He also indicated that in future Council should consider the invocation of Rule 53 where such instances occur.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That the Municipal Manager **SHOULD ENSURE** that Cllr M.J. Badenhorst does not wait until the following Council meeting to receive her response but should receive it by the following week, from the date of the meeting.

A13 of 2019

EXPENDITURE REPORT ON THE MUNICIPAL INFRASTRUCTURE GRANT (MIG) 2018/19 FINANCIAL YEAR (EXECUTIVE MAYOR) (6/4/1)

PURPOSE

To provide Council with the current progress of the Municipal Infrastructure Grant (MIG) expenditure for the month of January 2019.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That the Council **TAKES NOTE** of the report.
2. That the allocated Municipal Infrastructure Grant must **BE SPENT** by 100% by the end of the 2018/19 financial year.

A14 of 2019

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: (28 FEBRUARY 2019)

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

A15 of 2019**MUNICIPAL ADJUSTMENT BUDGET (2018/2019) (EXECUTIVE MAYOR)
(6/1/1/1)****PURPOSE**

To submit to Council the Municipal Adjustment Budget for the 2018/19 financial year in terms of Section 28 of the Municipal Finance Management Act No. 56 of 2003 and the Municipal Budget and Reporting Regulations.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That the Annual Budget 2018/19 **MUST NOT** be adjusted but should remain as it is.
2. That Council **APPROVES** the virements adjustments.
3. That the Municipal Manager and the CFO **MUST PERUSE** the budget, verify how much is available in votes which have savings, in order to use that money for the purchase of yellow fleet and thereafter submit that report to the next Ordinary Council meeting.

A16 of 2019**REPORT ON THE IMPLEMENTATION OF SOCIAL AND LABOUR PLANS
PROJECT BY MINING HOUSES (EXECUTIVE MAYOR) (18/1/6/1)****PURPOSE**

To report to the Council on the progress made by Harmony Gold and Sibanye-Stillwater on the implementation of the Social and Labour Plan projects (2018-2022).

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That Council **TAKE NOTE** of the report.
2. That the commercial processes, implementation and risk **BE SOLE** domain of the project funder.

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3. That Council **SHOULD RECEIVE** a quarterly report on the progress.
4. That the Office of the Executive Mayor **MUST PLAY** an oversight role in the implementation of the projects.
5. That the Municipal Manager **MUST ENSURE** that the tender documents are made available for those who do not have access to Internet.

A17 of 2019

PROGRESS REPORT ON THE PROPOSED DEVELOPMENT OF MATJHABENG LOCAL MUNICIPALITY TOWARDS BEING A SMART CITY (EXECUTIVE MAYOR) (13/2/1/1)

PURPOSE

The purpose of the report is to advise Council about the proposed development of Matjhabeng Local Municipality towards being a Smart City as outlined in their Business Plan, for consideration.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That Council **TAKES NOTE** of the report.
2. That the Korean Solar Power Consortium SA Ltd **IS ALLOWED** to do a feasibility study.
3. That clauses 5.1.1 and 5.1.2 of the Service Level Agreement depicted on page 32 of the Annexures must **BE REMOVED** as they do not protect the interest of the Municipality.
4. That the Municipal Manager must **NEGOTIATE** with the company to draft a new Service Level Agreement which does not compromise the interest of the Municipality and submit it to Council.

A18 of 2019

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.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That Council **TAKES NOTE** of the report.
2. That Council **ACCEPTS** the donation of the remaining extent of the farm, Mealie Built No. 49 (next to Pabalong Village) by Harmony Gold Mine.
3. That the Municipal Manager **BE MANDATED** to conclude the Deed of donation.
4. That the Municipal Manager **SHOULD OBTAIN** the Maps of the entire area and structural plans (underground Infrastructure) from Harmony.
5. That the Municipal Manager **BE MANDATED** to finalize the transfer of the land to the Municipality.
6. That the Municipal Manager **SHOULD FACILITATE** the installation of temporary water taps, electricity and sanitary facilities.
7. That the letter from the Office of the Premier must **BE IMPLEMENTED** as it is.
8. That the Municipal Manager should **ENTER INTO NEGOTIATIONS** with mines to donate all land that would be needed by the Municipality in the near future, such as, Kalkuil, 7 de Laan etc., by following proper processes.
9. That points 1 and 2 on page 16 of the item which refer to a Provincial Government guarantee **BE INCORPORATED** to the Deed of Donation before it is signed and the guarantee be attached to the Deed of Donation as an Annexure.
10. That the donated land must **FORM PART** of the priorities in IDP projects.

A19 of 2019

**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 (**MPT**).

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That Council **TAKES NOTE** of the Report regarding the Municipal Planning Tribunal (MPT) meetings held in June and July 2018.
2. That Council **MANDATES** the Municipal Manager to appoint a municipal official, who has relevant qualifications, background and expertise as required in the Spatial Planning and Land Use Management Act, 16 of 2013 to serve on the Municipal Planning Tribunal.

A20 of 2019

**REPORT ON THE EXPENDITURE OF EPWP GRANT ALLOCATION
(EXECUTIVE MAYOR)**

PURPOSE

To provide a report on the expenditure of EPWP grant from 2017 to date.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That a report should **BE SUBMITTED** to the Office of the Premier and all relevant departments on a monthly basis.
2. That people with disabilities, women and people from all different groups should **BE CONSIDERED** as well.

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A21 of 2019

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.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That Council **APPROVES** the implementation of “no work: no pay” over a period of three (3) months.
2. That Council **NOTES** that investigations in respect of misconduct committed during the strike are on-going.
3. That the Municipal Manager **MUST PROVIDE** a report within a period of three months from the date of the meeting.
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.

A22 of 2019

PROGRESS REPORT ON IMPLEMENTATION OF SHIFT SYSTEM IN TERMS OF THE COLLECTIVE AGREEMENT FOR THE FREE STATE DIVISION OF THE SALGBC (EXECUTIVE MAYOR) (5/2/2)

PURPOSE

The purpose of this item is to report to Council on the implementation of the Shift System in terms of the Collective Agreement for the Free State Division as directed by Council and the Bargaining Council.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That Council **APPROVES** the delay in the implementation of the Shift Allowance until the arbitration process is finalized.
2. That the Municipal Manager **MUST ENSURE** that the full operations process is implemented.

A23 of 2019

REPORT FOR THE APPROVAL BY COUNCIL OF THE EXTENSION OF A LONG TERM LEASE AGREEMENT TO CGOG FOR THE MANAGEMENT OF A FLYING ACADEMY (SCHOOL) AT WELKOM AIRPORT (EXECUTIVE MAYOR) (10/5/6)

PURPOSE OF REPORT

The report is submitted to Council for the purposes of soliciting approval by Council for the Extension of a Three-Year Lease Agreement (3) to a Nine Years and 11-month (9 years and 11 month) lease agreement for the purposes of the management of the flying academy (school) at the Welkom airport.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That Council **APPROVES IN PRINCIPLE** that the Municipality should conclude a 9 year 11 months lease agreement with the current tenant but Council should solicit a bid from the tenant to bring a new lease agreement which sets out which management functions the Municipality still wishes to have, for Council approval.
2. That the Service Level Agreement should have an exit clause which stipulates that, should the National government **AGREE TO ISSUE** a licence allowing Welkom Airport to operate as a Cargo Airport, the Service Level Agreement would **BE TERMINATED**.
3. That a task team which would include Cllr HS Badenhorst should be formed **TO ENSURE** that the interests of the Municipality are considered and the process is beneficial to both parties.
4. That other tenants who are renting hangars must be protected by saying that the rental of the current tenants must **NOT BE INCREASED** without Council approval but the lessee can increase the rental of new tenants.

A24 of 2019

MULTI PURPOSE PRECINCT DEVELOPMENT: EXTENT OF THE DEVELOPMENT, REZONING, BULK SERVICES AGREEMENT AND IMPLEMENTATION PLAN (EXECUTIVE MAYOR) (18/2/2)

PURPOSE OF REPORT

The purpose of the report is to provide a background, current information and motivation for Council's approval in relation to:

- a) All resolutions and agreements already concluded in relation to the development, and compliance thereto, the extent of Phase 1 of the proposed development as well as the ownership and business model.
- b) The Subdivision of the Municipal Property viz. Subdivision 1 of the farm Vooruitgang 52 and the rezoning thereof to "Special" in terms of the Welkom Town Planning Scheme 1/1980 as well as the associated development conditions applicable.
- c) The extent of the required municipal bulk services for the project and the bulk services agreement pertaining to the financial responsibilities of the parties.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That the following contractual agreements between EUROMID Africa Development (PTY) LTD on behalf of NFS LEJWELEPUTSWA COMMUNITY PARTNERSHIP TRUST, and the Municipality in terms of Resolutions MC271/2004 and A12/2005, be **SUPPORTED AND CONDONED**:
 - a) Land Availability Agreement (2008)
 - b) Public NGO Partnership Agreement (2012)
 - c) Service Level Agreement Framework (2014)
1. That the site development plan and planned phased development of the project as contemplated in Par. 2.5 of the report **BE NOTED AND SUPPORTED**.
3. That in terms of the contractual obligation (in line with LAA clause 2 subparagraph 2.1) to create an alienable site, the applications of the developer to the Department of Cooperative Governance and Tradition Affairs Free State for following administrative processes **BE SUPPORTED**:
 - a) The amendment of the boundaries of the Town-Planning Scheme of Welkom, by the inclusion of Subdivision 2 of the Consolidated farm Vooruitgang No. 52, Administrative District Welkom, into the scheme area of Welkom with the zoning "Agriculture.

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- b) The subdivision (Phase 1) of, incorporation into the Welkom Town Planning Scheme 1/1980 and the rezoning in terms of Section 31 of the Development Facilitation Act No. 67 of 1995 on behalf of the Matjhabeng Municipality of the Remainder of Portion 2 of the Farm Vooruitgang No. 52 from “Agricultural” to “Special”.
 - c) That the supporting land uses associated with the Multi-Purpose Sport Complex as contained in the Zoning Schedule as enclosed **page 40 to 53 of SEPARATE COVER 8** be approved.
- 4. That the development **BE BOUND** by the Record of Decision in terms of the Environmental Assessment Report in which case the Municipal Manager be authorized to negotiate with the developer all constraints that may affect the implementation of the project, and that such agreements be included in the final bulk services agreement with the developer.
 - 5. That Council acknowledges its legislative responsibility in relation to the provision of bulk services for the project, but due to the extent of the total cost of the bulk services and Council’s financial constraints, the developer in principle be **FINANCIALLY RESPONSIBLE** for the provision and construction of all infrastructure related to the project in terms of the bulk services report as approved by the Municipality.
 - 6. That the developer **SUBMITS** a funding plan in relation to the construction of the bulk services and that the Municipal Manager be authorized to negotiate a final bulk services agreement between the developer and the Municipality.
 - 7. That the developer **IS GIVEN** the last chance to develop the project as the Municipality has been waiting 11 years without anything happening.
 - 8. The Office of the Executive Mayor and the Municipal Manager must be mandated **TO MONITOR** all people who have signed the land availability agreements with the Municipality and, should three years lapse without any development, their contracts should be terminated.

A25 of 2019

LEGAL OPINION: COLLECTIVE AGREEMENT FOR FREE STATE DIVISION (EXECUTIVE MAYOR)

PURPOSE

To submit to Council a legal opinion obtained from Messrs. Finger Attorneys on the Collective Agreement for the Free State Division of the SALGBC, with specific reference to clauses 5.3.24, 9, 10 and 17.

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DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

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

A26 of 2019

REQUEST FOR APPROVAL FOR IN-SITU UPGRAIDINGS MELODING (EXECUTIVE MAYOR)

PURPOSE

To request an approval from Council for in-situ upgrading of the following Meloding Informal Settlements;

1. Unit 3 Informal settlements
2. Unit 7 Informal Settlements.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That Council **APPROVES** the proposed in-situ upgrading in 2 informal settlements in Meloding.
2. That Council **AVAIL** 12142, 12143, 12144 (Unit 7) and 12434 (Unit 3) for in-situ upgrading of the informal settlement in Meloding.

A27 of 2019

THABONG: INSTALLATION OF BULK ZONAL WATER METERS AND VALVES APPLICATION FOR BUDGET MAINTENANCE (EXECUTIVE MAYOR)

PURPOSE

The intention of this report is to effectively motivate for the approval Council for additional funding amounting to **R1 220 696.95 (incl. Vat)** under the Municipal Infrastructure Grant (MIG), maintenance budget. The funds will be used by the Matjhabeng Local Municipality for the implementation of the water demand management system in Matjhabeng Local Municipality within the central area covering Welkom, Thabong, Bronville and Riebeeckstad, under the project name Thabong: Installation of bulk zonal water meters and valves.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That Council **TAKES NOTE** of the report.
2. That Council **APPROVES** the application for additional funding.

A28 of 2019

THABONG EXTENSION 20 (HANI PARK): EXTENSION OF WATER NETWORK, HOUSE CONNECTIONS AND WATER METERS (180 STANDS): BUDGET MAINTENANCE (EXECUTIVE MAYOR)

PURPOSE

The purpose of this item is to present before Council the status and progress on Thabong Extension 20 (Hani Park): Extension of water network, house connections and water meters (180 Stands) 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: (28 FEBRUARY 2019)

1. That Council **TAKES NOTE** of the report.
2. That Council **APPROVES** the application for additional funding.

A29 of 2019

MOTION BY CLLR T.M. MACINGWANE: MOTION TO DISCUSS EXPROPRIATION OF LAND WITHOUT COMPENSATION (20/14/4/3)

PURPOSE

To submit to Council the motion received from Cllr T.M. Macingwane for consideration.

DISCUSSION

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

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That Council **TAKES NOTE** of the motion.
2. That as the motion was highly political, the Speaker **WOULD CONSULT** broadly on how to deal with political matters.

//Items A30 of 2019 and A31 of 2019 were discussed concurrently//

A30 of 2019

REQUEST FOR THE CONCLUSION OF A LAND AVAILABILITY AGREEMENT BETWEEN MATJHABENG LOCAL MUNICIPALITY, FIKILE CONSTRUCTION AND SA HOMES FOR A PERIOD OF THREE YEARS (EXECUTIVE MAYOR) (20/14/4/3)

PURPOSE

To request Council to authorise the Municipal Manager to conclude a Land Availability Agreement with Fikile Construction for a period of three years.

DISCUSSION

The Executive Mayor presented the item to Council.

During the discussion of these items, the following concerns were raised:

- The items do not comply with the land alienation policy;
- Properties to be alienated should be existing serviced stands that fall within the Spatial Planning framework;
- They should not be earmarked for essential services;
- They should be alienated at market-related value in favour of Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That the Municipal Manager **BE MANDATED** to negotiate the Service Level Agreement but before it is signed, it should be brought to Council for approval.
2. That the Municipal Manager **SHOULD INVESTIGATE** the possibility of holding companies which signed agreements accountable, by letting them pay a portion of what they promised, in case of failure to deliver.

A31 of 2019

**REQUEST FOR THE CONCLUSION OF A LAND AVAILABILITY AGREEMENT
BETWEEN MATJHABENG LOCAL MUNICIPALITY AND PRO AFRIKA LED
CONSORTIUM FOR A PERIOD OF THREE YEARS (EXECUTIVE MAYOR)**
(20/14/4/3)

PURPOSE

To request Council to authorise the Municipal Manager to conclude a Land Availability Agreement with Pro Afrika LED Consortium for a period of three years.

DISCUSSION

The Executive Mayor presented the item to Council.

During the discussion of the item, Council was made aware that the piece of land that was earmarked for the Pro Afrika LED Consortium, was the same piece of land that was under discussion with Sunelex.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That the Municipal Manager **BE MANDATED** to negotiate the Service Level Agreement but before it is signed, it should be brought to Council for approval.
2. That the Municipal Manager **SHOULD INVESTIGATE** the possibility of holding companies which signed agreements accountable by paying a portion of what they promised, in case of failure to deliver.

A32 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 Settlement.

DISCUSSION

The Executive Mayor presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

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. 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.

C1 of 2019

REPORT ON THE ALLEGED BREACH OF CONDUCT (SPEAKER) (5/5/5)

PURPOSE

The purpose of the item is to submit a report to Council about the alleged breach of the code of conduct by the Executive Mayor and Cllr SJ Liphoko.

DISCUSSION

The Speaker presented the item to Council.

COUNCIL RESOLVED: (28 FEBRUARY 2019)

1. That Council **TAKES NOTE** of the report.
2. That Council **ACCEPTS** the findings of the Office of the Speaker.