

MOGALAKWENA LOCAL MUNICIPALITY

COUNCIL

MINUTES OF THE 27TH COUNCIL MEETING OF THE MOGALAKWENA MUNICIPALITY HELD IN THE COUNCIL CHAMBER, CIVIC CENTRE, MOKOPANE ON THURSDAY, 6 SEPTEMBER 2012 AT 14:07

PRESENT

AS PER ATTACHED ATTENDANCE REGISTER.

OFFICIALS

| | | | |
|-----------|-----------------|---|---|
| Messrs. | S W KEKANA | - | MUNICIPAL MANAGER |
| | K J MPHAGO | - | CHIEF FINANCIAL OFFICER |
| | E M MATSETELA | - | ACTING MANAGER: ELECTRICAL SERVICES |
| | K D MALEPA | - | ACTING MANAGER: TECHNICAL SERVICES |
| | F L BUITENDAG | - | ACTING MANAGER: TRAFFIC & EMERGENCY SERVICES |
| | M P MASHOTJA | - | ACTING MANAGER: DEVELOPMENTAL SERVICES |
| | M G MATABANE | - | ACTING MANAGER: COMMUNITY SERVICES |
| Mesdames. | I A DE VILLIERS | - | ACTING MANAGER: CORPORATE SUPPORT SERVICES |
| | R MADIBELA | - | COUNCIL SECRETARIAT OFFICER |

The municipal manager indicated that the speaker is not available and councillor L C Kganyago was elected as the acting speaker in terms of section 41 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

1. OPENING

The acting speaker welcomed all present and requested that a moment of silence be observed.

2. APPLICATION OF MEMBERS FOR LEAVE OF ABSENCE

Applications for leave of absence were received from councillors R M Mabusela, L N Ngwetjana, R P Maluleke, H S Mathebula, S R Masipa, F M Mabuela, N V Mashamaite, G E Morkel-Brink, M A Tsebe, M R Lebelo and M D Phokela.

RESOLVED:

THAT leave of absence from the 27th council meeting of the Mogalakwena Municipality held on 6 September 2012 be granted to councillors R M Mabusela, L N Ngwetjana, R P Maluleke, H S Mathebula, S R Masipa, F M Mabuela, N V Mashamaite, G E Morkel-Brink, M A Tsebe, M R Lebelo and M D Phokela.

3. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY THE SPEAKER

The acting speaker congratulated councillors who celebrated their birthdays during June, July and August 2012.

4. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY OTHER MEMBERS

Councillor Smit congratulated Madiba on his birthday. He further proposed condolences for the families of Marikana mineworkers who were killed.

Councillor Motlohoneng proposed condolences for the Kekana family in Mookgopong who lost three children.

Councillor Ramashala congratulated the ANC Waterberg region for hosting the 100 years flame event and further congratulated the Waterberg region for hosting the provincial event on national women's day.

Councillor Langa proposed condolences for the families of Mr Hendrik Mokale and Mr Peter Mabusela who passed on. He further congratulated Lekoto E D and Sekgala K A who received scholarships to study medicine in Cuba.

Councillor Montane congratulated the SAPS Mokopane for arresting heavily armed robbers on Monday, 3 September 2012. He further congratulated Nkosazana Zuma for leading Africa.

The mayor proposed condolences for the family of the late sister B Ncube who passed on.

5. MINUTES OF THE PREVIOUS MEETINGS

RESOLVED:

THAT the minutes of the 26th council meeting held on 29 May 2012 (pages 100 to 118) and the minutes of the special council meeting held on 25 June 2012 (pages 130 to 134) be approved and signed and the letter submitted by councillor Smit regarding the meeting of 29 June 2012 be considered at the next council meeting.

6. REPORT OF THE MUNICIPAL MANAGER

None.

7. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

RESOLVED:

THAT

- a) the questions submitted by councillor Smit be discussed with the Speaker for inclusion in the agenda of the next council meeting.
- b) any person who is aware of council resolutions which have not been executed must report it to the speaker for discussion in a special council meeting.

8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETINGS

None.

9. THE REPORT OF THE EXECUTIVE COMMITTEE FOR JUNE, JULY AND AUGUST 2012

SECTION A

The mayor submitted the report of the executive committee (pages 3 to 14) and requested that it be considered.

A : REPORT OF THE EXECUTIVE COMMITTEE FOR JUNE, JULY AND AUGUST 2012 WITH REGARD TO MATTERS WHICH THE COUNCIL MUST CONSIDER

**1. THEFT OF BRUSHCUTTER (19/6/3 & G11)GM
(ITEM 5 AGENDA EC 21 JUNE 2012)**

RESOLVED:

THAT the theft of the brushcutter be noted and the administration follow due processes.

**2. FINANCIAL INDICATORS: 30 APRIL 2012 (11/3/2)KJM
(ITEM 6 AGENDA EC 21 JUNE 2012)**

RESOLVED:

THAT the content of the monthly finance report for April 2012, be noted.

165.
06.09.12

3. **MFMA SECTION 71 REPORT (SCHEDULE C) FOR APRIL 2012** **(1/3/2)BLM**
(ITEM 7 AGENDA EC 21 JUNE 2012)

RESOLVED:

THAT the section 71 report for April 2012 be noted.

4. **AWARD FOR TENDERS FOR FIRST QUARTER 2011/12: FROM JULY 2011 TO SEPTEMBER 2011** **(9/3/1)MP**
(ITEM 8 AGENDA EC 21 JUNE 2012)

RESOLVED:

THAT the tenders awarded from July 2011 to September 2011, be noted.

5. **AWARD FOR TENDERS FOR SECOND QUARTER 2011/12: FROM OCTOBER 2011 TO DECEMBER 2011** **(9/3/1)MP**
(ITEM 9 AGENDA EC 21 JUNE 2012)

RESOLVED:

THAT the tenders awarded from October 2011 to December 2011, be noted.

6. **AWARD FOR TENDERS FOR THIRD QUARTER 2011/12: FROM JANUARY 2012 TO MARCH 2012** **(9/3/1)MP**
(ITEM 10 AGENDA EC 21 JUNE 2012)

RESOLVED:

THAT the tenders awarded from January 2012 to March 2012, be noted.

7. **DEVIATION OF ORDERS FROM DATABASE IQUAL SYSTEM JANUARY 2012 TO MARCH 2012** **(9/3/B)MP**
(ITEM 11 AGENDA EC 21 JUNE 2012)

RESOLVED:

THAT

- a) the orders deviated from database processes during January 2012 to March 2012, be noted.
- b) National Treasury be notified in writing of the deviations.

8. THIRD QUARTERLY REPORT ON EMPLOYMENT CREATION IN THE MUNICIPAL AREA (17/3/5)LA
(ITEM 14 AGENDA EC 21 JUNE 2012)

RESOLVED:

THAT the third quarter employment creation report for the period January to March 2012, be noted.

9. REPLACEMENT OF COUNCILLORS TO SERVE ON INTERNAL COMMITTEES OF COUNCIL AND ON THE LOCAL LABOUR FORUM (4/B)(5/13)RM
(ITEM 17 AGENDA EC 21 JUNE 2012)

The ANC requested a 5 minutes party caucus.

RESOLVED:

THAT

- a) the ANC be granted an opportunity to submit the names of councillors to serve on internal committees of council in the next council meeting.
- b) councillor M A Sekoala replaces councillor D P Motlohoneng on the corporate support services portfolio committee.

10. WRITING OFF : UNRECOVERABLE DEBT (6/10/1)I
(ITEM 18 AGENDA EC 21 JUNE 2012)

RESOLVED:

THAT

- a) the report be referred to the finance portfolio committee for further investigation.
- b) a task team consisting of ward councillors of affected areas, chairperson of the finance portfolio committee, chief financial officer and manager: technical services be established to advise council.
- c) officials develop a template for councillors to determine whether a household can pay for services.
- d) legal action not be taken against indigents.

167.
06.09.12

11. ACCIDENT REPORT: BGL 011 L: TRAFFIC & EMERGENCY SERVICES **(8/2/1/1)LB**
(ITEM 20 AGENDA EC 21 JUNE 2012)

RESOLVED:

THAT

- a) the accident report for motor vehicle with registration number BGL 011 L, be noted.
- b) it also be noted that an insurance claim was submitted to the council's insurance company.
- c) it also be noted that no negligence can be proven against traffic officer L Mokgata as his patrol vehicle was stationary with the blue lights on.

12. MOTOR VEHICLE ACCIDENT: FLY 114 N **(8/2/1/1 & G18)GM**
(ITEM 21 AGENDA EC 21 JUNE 2012)

RESOLVED:

THAT

- a) the accident in which Nissan Hardbody with registration number FLY 114 N was involved, be noted.
- b) it be noted that the accident investigation committee is of the opinion that Mr S P Hlongwe did not observe and did not take the length of his vehicle in consideration and that it constitutes negligent driving.
- c) the driver be charged with alleged negligent driving.
- d) it be noted that a claim may be instituted against the insurance company of the municipality by the private owned vehicle driver.
- e) officials found guilty of negligent or reckless driving, be held responsible for the costs of the repair of the vehicle.

13. ACCIDENT REPORT: DHN 992 N: COMMUNITY SERVICES **(8/2/1/1)MGM**
(ITEM 22 AGENDA EC 21 JUNE 2012)

RESOLVED:

THAT

- a) the accident report for motor vehicle with registration number DHN 992 N, be noted.

- b) it also be noted that an insurance claim was submitted to the council's insurance company.
- c) vehicle DHN 992 N be written off as it is beyond its lifespan and irreparable and it be sold at the next auction.

14. FINANCIAL INDICATORS: 31 MARCH 2012 (11/3/2)KJM
(ITEM 23 AGENDA EC 21 JUNE 2012)

RESOLVED:

THAT the content of the monthly finance report for March 2012, be noted.

15. UTILIZATION OF MUNICIPAL SPORT FACILITIES POLICY (5/5/4 & G1/2)LJS
(ITEM 7 AGENDA ADJOURNED EC 17 JULY 2012)

RESOLVED:

THAT the proposed utilization of municipal sport facilities policy attached as pages 79 to 80 to the executive committee agenda dated 17 July 2012, be approved.

16. OUTCOME OF DISCIPLINARY HEARING : MR W MABUNDA (5/11/1)I
(ITEM 11 AGENDA ADJOURNED EC 17 JULY 2012)

RESOLVED:

THAT it be noted that Mr W Mabunda has pleaded guilty on a charge of being under the influence of alcohol while on duty and has been given a written warning.

17. OUTCOME OF DISCIPLINARY HEARING: MR D SEROPE (5/11/1)I
(ITEM 12 AGENDA ADJOURNED EC 17 JULY 2012)

RESOLVED:

THAT it be noted that Mr. D Serope pleaded not guilty on all charges and he was found guilty of absenteeism and a sanction of final written warning was imposed.

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06.09.12

18. OUTCOME OF DISCIPLINARY HEARING: MS E NKWANA (5/11/1)I
(ITEM 13 AGENDA ADJOURNED EC 17 JULY 2012)

RESOLVED:

THAT it be noted that Ms. E Nkwana pleaded not guilty on all charges and subsequently she was found guilty of absenteeism and a sanction of final written warning was imposed.

19. DEBT COLLECTION SERVICE LEVEL AGREEMENT (6/10/B)KJM
(ITEM 16 AGENDA ADJOURNED EC 17 JULY 2012)

RESOLVED:

THAT the report with regard to Debt Collection Service Level Agreement be referred to the task team consisting of ward councillors of affected areas, chairperson of the finance portfolio committee, chief financial officer and manager: technical services for further scrutiny.

20. LABOUR COURT MATTER : MR P C BODENSTEIN (5/11/1/1)I
(ITEM 5 AGENDA SPECIAL EC 3 AUGUST 2012)

RESOLVED:

THAT

- a) the progress in the application for review in the matter Mogalakwena Municipality / SALGBC, M S Rantho and IMATU on behalf of P C Bodenstein (case number JR 47/2012) in the Labour Court, be noted.
- b) all actions taken by the municipal manager in respect of this matter be rectified and the municipal manager be authorised to sign all the necessary documents, pleadings and affidavits in this matter.

21. FINANCIAL INDICATORS: 31 MAY 2012 (11/3/2)KJM
(ITEM 7 AGENDA EC 21 AUGUST 2012)

RESOLVED:

THAT

- a) the content of the monthly finance report for May 2012 be noted.
- b) the list of employees whose consumer accounts are in arrears for 90 days and more also be included in this report.

- c) a progress report be submitted in the next executive committee meeting concerning the debt of all sector departments.

22. FINANCIAL INDICATORS: 30 JUNE 2012 (11/3/2)KJM
(ITEM 8 AGENDA EC 21 AUGUST 2012)

RESOLVED:

THAT

- a) the content of the monthly finance report for June 2012 be noted.
- b) the list of employees whose consumer accounts are in arrears for 90 days and more be incorporated in this report.
- c) progress report be submitted in the next executive committee meeting concerning the debt of all sector departments.

23. MFMA SECTION 71 REPORT (SCHEDULE C) FOR MAY 2012 (1/3/2)BLM
(ITEM 9 AGENDA EC 21 AUGUST 2012)

RESOLVED:

THAT the section 71 report for May 2012 be noted.

24. MFMA SECTION 71 REPORT (SCHEDULE C) FOR JUNE 2012 (11/3/2)BLM
(ITEM 10 AGENDA EC 21 AUGUST 2012)

RESOLVED:

THAT

- a) the section 71 report for June 2012 be noted.
- b) it be noted that the figures in this report are provisional as payments for the 2011/2012 financial year will still be effected by finance until 20 July 2012.

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06.09.12

**25. THIRD QUARTERLY LOCAL ECONOMIC DEVELOPMENT PROJECTS
PROGRESS REPORT (17/3/3/6)LA
(ITEM 11 AGENDA EC 21 AUGUST 2012)**

RESOLVED:

THAT

- a) the third quarter LED projects progress report for January to March 2012, be noted.
- b) a programme of action be developed whereby the portfolio committee visit and confirms the existence of the LED projects to satisfy themselves.
- c) a local economic development projects progress report should be a standard report in all council agendas.

**26. FOURTH QUARTERLY LOCAL ECONOMIC DEVELOPMENT PROJECTS
PROGRESS REPORT (17/3/3/6)LA
(ITEM 12 AGENDA EC 21 AUGUST 2012)**

RESOLVED:

THAT

- a) the fourth quarter LED projects progress report for April to June 2012, be noted.
- b) a programme of action be developed whereby the portfolio committee visits and confirms the existence of the LED projects to satisfy themselves.
- c) a local economic development projects progress report should be a standard report in all council agendas.

**27. FOURTH QUARTERLY REPORT ON EMPLOYMENT CREATION IN THE
MUNICIPAL AREA (17/3/5)LA
(ITEM 13 AGENDA EC 21 AUGUST 2012)**

RESOLVED:

THAT

- a) the fourth quarterly employment creation report for April to June 2012 be noted.
- b) developmental services develops a skills audit template and a report be submitted in the next executive committee meeting.
- c) the chief financial officer and the manager: technical services investigate the increase of the daily wage for labourers to R95,00.

28. VARIATION ON ANNUAL STOCKTAKING (8/1/2)PM
(ITEM 16 AGENDA EC 21 AUGUST 2012)

RESOLVED:

THAT

- a) the variance in stock as determined by the annual stocktaking be noted.
- b) council condones adjustment made on operating budget in 2011/2012 financial year, surplus of R 158 889,06 and shortage of –R 101 178,30 variances that occurred on the stocktaking of the 31st May 2012.

29. TRANSFER OF ERVEN TO THE DEPARTMENT OF PUBLIC WORKS-REBONE (20/4)MPM
(ITEM 17 AGENDA EC 21 AUGUST 2012)

RESOLVED:

THAT permission be granted that erven 259, 847, 848 and 899 Rebone A be transferred free of charge to the Department of Public Works and the manager: corporate support services be authorised to sign the necessary transfer documents in this regard.

30. COMPLAINTS, COMPLIMENTS AND SUGGESTIONS (18/1)I
(ITEM 18 AGENDA EC 21 AUGUST 2012)

RESOLVED:

THAT

- a) the complaints attached as pages 359 to 360 to the executive committee agenda dated 21 August 2012 received for the period 20 September 2011 to 23 April 2012, be noted.
- b) the compliments attached as page 361 to the executive committee agenda dated 21 August 2012 received for the period 20 September 2011 to 23 April 2012, be noted.
- c) the suggestions attached as page 362 to the executive committee agenda dated 21 August 2012 received for the period 20 September 2011 to 23 April 2012, be noted.
- d) the officials should comply with Batho Pele principles.
- e) the post of front desk officer is crucial and management considers it.

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06.09.12

- f) the speaker be responsible for the handling and opening of the suggestion box.

31. ACCIDENT REPORT CDW 658 L : TRAFFIC & EMERGENCY SERVICES
(8/2/1/1)LB
(ITEM 19 AGENDA EC 21 AUGUST 2012)

RESOLVED:

THAT

- a) the accident report for motor vehicle with registration number CDW 658 L, be noted.
- b) it be noted that an insurance claim was submitted to the council's insurance company.
- c) it also be noted that an investigation committee was appointed to determine whether any negligence can be proven against traffic officer L L Mokgata.
- d) the municipality should have an internal driver testing programme to check the competence of municipal drivers.
- e) where it is desirable, some categories of employees be taken for advanced driver training.

32. ACCIDENT REPORT: BSK 055 L: TECHNICAL SERVICES
(8/2/1/1)TSM
(ITEM 20 AGENDA EC 21 AUGUST 2012)

RESOLVED:

THAT

- a) the accident report for motor vehicle with registration number BSK 055 L, be noted.
- b) it also be noted that an insurance claim is to be submitted to the council's insurance company by 30 June 2012.
- c) it also be noted that no negligence can be proven against Mr Thakganya Daniel Kojoana as his vehicle was indicating and preparing to turn to the left off from the main road when suddenly a Toyota Tazz bumped him from the left mid-back next to the diesel tank.
- d) the municipality should have an internal driver testing programme to check the competence of municipal drivers.
- e) where it is desirable, some categories of employees be taken for advanced driver training.

33. IDP, BUDGET AND PMS PROCESS PLAN: 2013/2014 FINANCIAL YEAR
(ITEM 21 AGENDA EC 21 AUGUST 2012) **(17/3/5)MP**

RESOLVED:

THAT

- a) the IDP and budget process plan for the 2013/2014 financial year be approved.
- b) the process plan be aligned with the Waterberg District Municipality Framework and Provincial Framework as soon as the latter becomes available.
- c) IDP process plan be submitted in the next council meeting and if there are time constraints a special council meeting be convened in this regard.
- d) it be noted that R500 000,00 has been made available in the 2012/2013 financial year budget for the development of the IDP and budget .

34. PROVINCIAL/DISTRICT ROAD MAINTENANCE: MEMORANDUM OF UNDERSTANDING BETWEEN DEPARTMENT OF ROADS AND TRANSPORT LIMPOPO AND MOGALAKWENA MUNICIPALITY
(ITEM 22 AGENDA EC 21 AUGUST 2012) **(18/5/2/2)STM**

RESOLVED:

THAT

- a) the Memorandum of Understanding (MoU) for Routine Maintenance on Provincial and District Roads, between Mogalakwena Local Municipality and the Department of Roads and Transport – Limpopo attached as pages 421 to 430 to the executive committee agenda dated 21 August 2012 not be approved.
- b) the municipality awaits a budget commitment from the Department of Roads and Transport – Limpopo before the MoU be considered.
- c) the office of the Mayor to arrange the meeting with the MEC to discuss this matter.

175.
06.09.12

**35. DESIGNATION OF WASTE MANAGEMENT OFFICER (5/2/3)&(G6)MGM
(ITEM 23 AGENDA EC 21 AUGUST 2012)**

RESOLVED:

THAT

- a) the manager: community services be designated as the municipal Waste Management Officer.
- b) the existing post of Senior Waste Management Officer be renamed to Senior Superintendent: Waste Management.

**36. TECHNICAL SERVICES DEPARTMENT: CAPITAL INFRASTRUCTURE – EXPENDITURE REPORT 2011/12 FINANCIAL YEAR (6/6/5)STM
(ITEM 24 AGENDA EC 21 AUGUST 2012)**

RESOLVED:

THAT

- a) the progress, project stages and challenges relating to expenditure on capital infrastructure projects for the 2011/12 financial year, be noted.
- b) the manager: technical services and chief financial officer submit a comprehensive report with reasons for delays of evaluation and adjudication processes within seven working days.
- c) the manager: technical services develops an implementation programme for all old and new capital infrastructure projects and be submitted to the technical services portfolio committee within seven working days.
- d) the Mayor should further investigate the matter.

**37. CAPITAL EXPENDITURE: CORPORATE SUPPORT SERVICES 2011/2012 (6/1/3)I
(ITEM 25 AGENDA EC 21 AUGUST 2012)**

RESOLVED:

THAT the report on the capital spending and the progress for corporate support services for the 2011/2012 financial year, be noted.

38. **CAPITAL EXPENDITURE : TRAFFIC & EMERGENCY SERVICES 2011/2012**
(ITEM 26 AGENDA EC 21 AUGUST 2012) **(6/1/3)GH**

RESOLVED:

THAT the report on the capital spending and the progress for traffic & emergency services for the 2011/2012 financial year, be noted.

39. **CAPITAL PROJECT PROGRESS REPORT 2011/2012**
(ITEM 27 AGENDA EC 21 AUGUST 2012) **(18/4/2)JNF**

RESOLVED:

THAT the progress on the 2011/2012 financial year capital projects of the electrical department and the reasons why some of the projects could not be completed and had to be rolled over to the 2012/2013 financial year, be noted.

40. **IDP, BUDGET AND PMS PROCESS PLAN: 2013/2014 FINANCIAL YEAR**
(ITEM 3 AGENDA SPECIAL EC 28 AUGUST 2012) **(17/3/5)MP**

RESOLVED:

THAT

- a) the IDP and budget process plan for 2013/2014 financial year be approved.
- b) it be noted that R500 000,00 has been made available in the 2012/2013 financial year budget for the development of the IDP and budget.

41. **APPOINTMENT OF THE AUDIT COMMITTEE AND PERFORMANCE AUDIT COMMITTEE**
(ITEM 4 AGENDA SPECIAL EC 28 AUGUST 2012) **(6/12/1/2)BF**

RESOLVED:

THAT the following two candidates be appointed as additional audit committee members: M M Mohohlo
P R Mnisi

177.
06.09.12

SECTION B

B: REPORT OF THE EXECUTIVE COMMITTEE FOR WITH REGARD TO MATTERS WHICH HAVE BEEN DELEGATED TO THE EXECUTIVE COMMITTEE FOR THE INFORMATION OF THE COUNCIL

The mayor submitted the report of the executive committee (pages 15 to 24) and requested that it be noted.

RESOLVED:

THAT the content of the reports of May, June, July and August 2012 of the executive committee with regard to matters which have been finalised in terms of its delegated powers, be noted.

10. PETITIONS

None.

11. NEW MOTIONS

Councillor Smit requested that the questions he submitted to the speaker be included in the agenda of the next council meeting.

The meeting closed at 16:30.

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SPEAKER

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DATE