

MOGALAKWENA LOCAL MUNICIPALITY

COUNCIL

MINUTES OF THE 25TH COUNCIL MEETING OF THE MOGALAKWENA MUNICIPALITY HELD IN THE COUNCIL CHAMBER, CIVIC CENTRE, MOKOPANE ON WEDNESDAY, 29 FEBRUARY 2012 AT 14:03

PRESENT

AS PER ATTACHED ATTENDANCE REGISTER.

OFFICIALS

Messrs.	S W KEKANA	-	MUNICIPAL MANAGER
	M H THOBEJANE	-	MANAGER: CORPORATE SUPPORT SERVICES
	K J MPHAGO	-	CHIEF FINANCIAL OFFICER
	L J SEBOLA	-	MANAGER: COMMUNITY SERVICES
	S T MOGASHOA	-	MANAGER: TECHNICAL SERVICES
	J N FOURIE	-	MANAGER: ELECTRICAL SERVICES
	L BUITENDAG	-	ACTING MANAGER: TRAFFIC & EMERGENCY SERVICES
Mesdames.	D E MAILULA	-	MANAGER: DEVELOPMENTAL SERVICES
	R MADIBELA	-	COUNCIL SECRETARIAT OFFICER

1. OPENING

The 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 L E Manamela, L C Kganyago, N V Mashamaite and S D Magongoa.

RESOLVED:

THAT leave of absence from the 25th council meeting of the Mogalakwena Municipality held on 29 February 2012 be granted to councillors L E Manamela, L C Kganyago, N V Mashamaite and S D Magongoa.

3. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY THE SPEAKER

The speaker congratulated councillors who celebrated their birthdays during December 2011, January and February 2012.

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4. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY OTHER MEMBERS

Councillor Montane proposed condolences for the family in Masodi whereby 6 members passed on and that council assist with an amount of R10 000 for funeral arrangements.

Councillor Smit congratulated the DA for winning 2 wards in Polokwane.

Councillor Langa proposed condolences for the family of Thabang Lebese and further congratulated councillor Montane for celebrating his 50th birthday.

Councillor Motlohoneng congratulated the Republic of Zambia for winning Africa Cup of Nations.

5. MINUTES OF THE PREVIOUS MEETINGS

RESOLVED:

THAT the minutes of the following meetings be approved and signed:

- a) the minutes of the 24th council meeting held on 29 November 2011 (pages 215 to 233);
- b) the minutes of the special council meeting held on 5 December 2011 (pages 238 to 241) subject to the addition of the name of councillor M J Chauke as MPAC member in (Item 5 b);
- c) the minutes of the special council meeting held on 21 December 2011 (pages 249 to 250) and the minutes of the special council meeting held on 2 February 2012 (pages 7 to 8).

6. REPORT OF THE MUNICIPAL MANAGER

None.

7. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

None.

8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETINGS

None.

9. THE REPORT OF THE EXECUTIVE COMMITTEE FOR DECEMBER 2011, JANUARY AND FEBRUARY 2012

SECTION A

The mayor submitted the report of the executive committee (pages 3 to 12) and requested that it be considered.

A : REPORT OF THE EXECUTIVE COMMITTEE FOR DECEMBER 2011, JANUARY AND FEBRUARY 2012 WITH REGARD TO MATTERS WHICH THE COUNCIL MUST CONSIDER

1. ACCIDENT REPORT: BGL 014 L: TRAFFIC & EMERGENCY SERVICES (8/2/1/1)LB

(ITEM 5 AGENDA EC 6 DECEMBER 2011)

RESOLVED:

THAT

- a) the accident report for motor vehicle with registration number BGL 014 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 the accident committee met on 24 October 2011 and recommended that disciplinary actions be instituted against Insp. Chaba and that a memorandum was sent to the Municipal Manager to decide on disciplinary actions against Insp. L Chaba.

2. QUARTERLY REPORTING FOR APRIL TO JUNE 2011 (11/3/2)NE

(ITEM 7 AGENDA EC 6 DECEMBER 2011)

RESOLVED:

THAT the quarterly report in terms of section of 5 (7) (iii) of the Division of Revenue Act, 2003, for the months April 2011 to June 2011, be noted.

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3. **GREENEST MUNICIPALITY COMPETITION 2011** **(17/2 & G21)MGM**
(ITEM 8 AGENDA EC 6 DECEMBER 2011)

RESOLVED:

THAT

- a) the award received as a result of participation in the Greenest Municipality Competition for the Limpopo Province, be noted.
- b) the amount of R50 000,00 be utilized for environmental and community awareness programmes.

4. **COMPLAINTS, COMPLIMENTS AND SUGGESTIONS** **(18/1)I**
(ITEM 9 AGENDA EC 6 DECEMBER 2011)

RESOLVED:

THAT

- a) the complaints attached as pages 37 to 41 to the Executive Committee agenda dated 6 December 2011 received for the period 20 December 2010 to 20 September 2011, be noted.
- b) the compliments attached as pages 42 to 43 to the Executive Committee agenda dated 6 December 2011 received for the period 20 December 2010 to 20 September 2011, be noted.
- c) the suggestions attached as pages 44 to 45 to the Executive Committee agenda dated 6 December 2011 received for the period 20 December 2010 to 20 September 2011, be noted.

5. **FINANCIAL INDICATORS: 30 SEPTEMBER 2011** **(11/3/2)KJM**
(ITEM 6 AGENDA EC 31 JANUARY 2012)

RESOLVED:

THAT

- a) the content of the monthly finance report for September 2011 be noted.
- b) the executive committee members conduct a house to house visit in Mahwelereng and Rebone to establish reasons for non-payment of services by consumers.
- c) the executive committee meetings be held on a rotational basis at the SDA's to enable councillors to perform b) *supra* after the meeting.

- d) councillors with arrear consumer accounts for 90 days or more be notified before it is deducted from their salaries.

6. FINANCIAL INDICATORS: 31 OCTOBER 2011 (11/3/2)KJM
(ITEM 7 AGENDA EC 31 JANUARY 2012)

RESOLVED:

THAT

- a) the content of the monthly finance report for October 2011 be noted.
- b) the executive committee members conduct a house to house visit in Mahwelereng and Rebone to establish reasons for non-payment of services by consumers.
- c) the executive committee meetings be held on a rotational basis at the SDA's to enable councillors to perform b) *supra* after the meeting.
- d) councillors with arrear consumer accounts for 90 days or more be notified before it is deducted from their salaries.

7. FINANCIAL INDICATORS: 30 NOVEMBER 2011 (11/3/2)KJM
(ITEM 8 AGENDA EC 31 JANUARY 2012)

RESOLVED:

THAT

- a) the content of the monthly finance report for November 2011 be noted.
- b) the executive committee members conduct a house to house visit in Mahwelereng and Rebone to establish reasons for non-payment of services by consumers.
- c) the executive committee meetings be held on a rotational basis at the SDA's to enable councillors to perform b) *supra* after the meeting.
- d) councillors with arrear consumer accounts for 90 days or more be notified before it is deducted from their salaries.

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8. **REQUEST FOR APPROVAL – PROCUREMENT PRACTICE NOTE ON THE DISQUALIFICATION OF BIDDERS FOR ADMINISTRATIVE ERRORS OR NON-RESPONSIVE IN THE TENDER PROCESS** (9/3/1)PM
(ITEM 9 AGENDA EC 31 JANUARY 2012)

RESOLVED:

THAT the internal circular attached as pages 282 to 283 to the executive committee agenda dated 31 January 2012 be approved and be effective immediately after approval by council.

9. **COUNCILLORS TO SERVE ON PORTFOLIO COMMITTEES** (4/B)(5/13)RM
(ITEM 10 AGENDA EC 31 JANUARY 2012)

RESOLVED:

THAT political parties submit new names of councillors to serve in the different portfolio committees and who are not MPAC members in the special council meeting.

10. **APPLICATION FOR CONSENT TO WAIVE TITLE CONDITIONS : PORTION 60 (PORTION OF PORTION 80) OF THE FARM PIET POTGIETERSRUST TOWN AND TOWNLANDS 44KS : M VAN WYK** (17/4/3)I
(ITEM 11 AGENDA EC 31 JANUARY 2012)

RESOLVED:

THAT the application from Borman Snyman & Barnard attorneys for the subdivision of portion 60 (a portion of portion 80) of the farm Piet Potgietersrust Town and Townlands 44KS not be approved as it will create a precedence and which will result in the establishment of leapfrog residential developments.

11. **PENSION SUPPORTED HOUSING LOANS** (5/5/5)MFM
(ITEM 12 AGENDA EC 31 JANUARY 2012)

Councillor Smit opposed the authorization for M H Thobejane to act as signatory and requested that all DA councillors' names be registered in this regard.

Councillors Motlohoneng and Morkel-Brink also requested that their names be registered against M H Thobejane to act as signatory.

RESOLVED:

THAT

- a) Mogalakwena Municipality enters into the Smart Housing Loan Agreement attached as pages 298 to 306) to the executive committee agenda dated 31 January 2012 with Smart Loans, a business unit within First National Bank, a Division of First Rand Bank Limited (Registration number: 1929/001225/06) ("the Bank").
- b) Shella William Kekana in his capacity as Municipal Manager (a specimen of whose signature is hereunder) be and is hereby authorized to sign all documentation with regard to entering into the aforesaid Agreement on behalf of the Municipality.
- c) the following person(s) be and are hereby authorized to sign any documentation pertaining to loan applications, from time to time on behalf of the Municipality:

NAME	DESIGNATION	SIGNATURE
<u>S W Kekana</u>	<u>Municipal Manager</u>	_____
<u>K J Mphago</u>	<u>Chief Financial Officer</u>	_____
<u>M H Thobejane</u>	<u>Manager: Corporate Services</u>	_____
<u>L J Sebola</u>	<u>Manager: Community Services</u>	_____

- d) a workshop be arranged for councillors' understanding.

**12. BURGLARY AT PAINT AND MAINTENANCE STORE (6/14/2)AS
(ITEM 13 AGENDA EC 31 JANUARY 2012)**

RESOLVED:

THAT

- a) the burglary at the paint and maintenance store, be noted.
- b) it also be noted that a suspect was arrested but released due to insufficient evidence and the investigation continues.
- c) it also be noted that an insurance claim was submitted to the council's insurance company.

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13. FINANCIAL INDICATORS: 31 DECEMBER 2011 (11/3/2)KJM
(ITEM 5 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT the content of the monthly finance report for December 2011, be noted.

14. EXPENDITURE ON STAFF AND COUNCILLORS BENEFITS FOR SECOND
QUARTER OF 2011/2012 FINANCIAL YEAR (11/3/2)NE
(ITEM 6 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT the expenditure on staff and councillors benefits in terms of section 66 of the MFMA 2003 (Act 56 of 2003) for October 2011 to December 2011, be noted.

15. MFMA SECTION 71 REPORT (SCHEDULE C) OCTOBER 2011 (11/3/2)BLM
(ITEM 7 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT

- a) in terms of section 71 of the MFMA, 2003 (Act 56 of 2003) the report for October 2011, be noted.
- b) a detailed report indicating status of each project and reasons for less percentages be submitted to council in the special council meeting.

16. MFMA SECTION 71 REPORT (SCHEDULE C) NOVEMBER 2011 (11/3/2)BLM
(ITEM 8 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT

- a) in terms of section 71 of the MFMA, 2003 (Act 56 of 2003) the report for November 2011, be noted.
- b) a detailed report indicating status of each project and reasons for less percentages be submitted to council in the special council meeting.

17. **MFMA SECTION 71 REPORT (SCHEDULE C) DECEMBER 2011 (11/3/2)BLM**
(ITEM 9 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT

- a) in terms of section 71 of the MFMA, 2003 (Act 56 of 2003) the report for December 2011, be noted.
- b) a detailed report indicating status of each project and reasons for less percentages be submitted to council in the special council meeting.

18. **DEVIATION OF ORDERS FROM DATABASE IQUAL SYSTEM OCTOBER TO DECEMBER 2011 (9/3/B)**
(ITEM 10 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT

- a) the orders deviated from database processes during 1 October to 23 December, be noted.
- b) the Auditor General and National Treasury be notified in writing of the deviation.

19. **DEVELOPMENT FUND (20/5)WJ**
(ITEM 11 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT ward councillors together with officials who were responsible for collecting the development fund consult with the affected communities considering the following options:

- i) no refunds to villages or individuals be made as council was actively involved in repairs and maintenance and to some extent capital projects for the period 2003 to 2010 which costed council much more than the contributions received, and it should be seen by the community as a contribution to their own welfare; or
- ii) refunds be made to individuals that contributed on submission of proof of contribution (receipts) within 2 months after the council resolution. Late submission of proof will not be considered; or
- iii) utilize contributions for the purchase of capital equipment that will be utilised for all villages – funding through CRR.

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20. **REMOVAL OF COUNCILLOR M L SOMO FROM TRAFFIC & EMERGENCY SERVICES PORTFOLIO COMMITTEE** (4/B)(5/13)RM
(ITEM 13 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT

- a) it be approved that councillor M L Somo be removed from the traffic and emergency services portfolio committee.
- b) political parties submit new names of councillors to serve in the different portfolio committees and who are not MPAC members in the special council meeting.

21. **SECOND QUARTELY LED PROJECTS PROGRESS REPORT** (17/3/5)MS
(ITEM 14 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT the second quarterly LED projects progress report for 2011 / 2012 be noted.

22. **SECOND QUARTERLY REPORT ON JOB CREATION: OCTOBER TO DECEMBER 2011** (17/3/5)MS
(ITEM 15 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT the second quarterly report on job creation for the period October to December 2011, be noted.

23. **DE-REGISTRATION OF COUNCIL OBSOLETE VEHICLES** (6/14/1)TS
(ITEM 18 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT it be approved that the list of vehicles attached as page 276 to the executive committee agenda dated 21 February 2012 be de-registered, removed from the assets register and be auctioned.

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

RESOLVED:

THAT

- a) the accident report for motor vehicle with registration number CDW 658 L, be noted.
- b) it be noted that no negligence can be proven against traffic officer L B Mbatha who drove CDW 658 L and therefore no actions be instituted against her.
- c) it also be noted that an insurance claim has been forwarded to council's insurance company.

25. ACCIDENT REPORT: BNG 115 L: TRAFFIC & EMERGENCY SERVICES
(ITEM 20 AGENDA EC 21 FEBRUARY 2012) **(8/2/1/1)LB**

RESOLVED:

THAT

- a) the accident report for motor vehicle with registration number BNG 115 L, be noted.
- b) it also be noted that no negligence can be proven against traffic officer M M Mabusela who drove BNG 115 L and therefore no actions be instituted against him.
- c) it be noted that no insurance claim was submitted as there are no damages to council's vehicle.

26. 2011/12 MID-YEAR REVIEW AND ADJUSTMENT BUDGET (6/1/1/37) (11/2/1)KJ
(ITEM 21 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT

- a) the adjustments budget 2011/12 as set out in the following tables and schedules be approved:
 - i) Adjustments Budget Summary reflected as table B1 (attached as page 372).

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- ii) Adjustments Budget Financial Performance (standard classification) reflected as table B2 (attached as pages 373 to 375).
 - iii) Adjustments Budget Financial Performance (revenue and expenditure by municipal vote) reflected as table B3 (attached as pages 376 to 380).
 - iv) Adjustments Budget Financial Performance (revenue and expenditure) reflected as table B4 (attached as page 381).
 - v) Adjustments Capital Expenditure Budget by vote and funding reflected as table B5 (attached as pages 382 to 387).
 - vi) Adjustments Budget Financial Position reflected as table B6 (attached as page 388).
 - vii) Adjustments Budget Cash Flows reflected as table B7 (attached as page 389).
 - viii) Cash backed reserves/ accumulated surplus reconciliation reflected as table B8 (attached as page 390).
 - ix) Asset Management reflected as table B9 (attached as page 391).
 - x) Basic Service Delivery Measurement reflected as table B10 (attached as page 392).
 - xi) Supporting information and explanations of trends and anomalies for each table are reflected as tables SB1 to SB20 (attached as pages 393 to 414).
- b) it be noted that the transfers of funds within the same vote are delegated to the municipal manager and this can be done when the need arises during the budget year under review.
- c) if a consumer is in arrears on his rates, taxes and other services the selling of pre-paid electricity be reduced to 30% of the amount received and the rest allocated to the arrear account till the full outstanding amount has been paid or arrangement agreement have been signed and if defaulting on the arrangement agreement the selling of pre-paid electricity will be reduced again with immediate effect.
- d) the revisions to the monthly and quarterly service delivery targets and performance indicators in the service delivery and budget implementation plan be approved.
- e) it be noted that National Treasury has withheld R13 828 000,00 of the MIG allocation to Mogalakwena municipality. At this stage the money was not removed from the adjustments budget pending the final decision from the National Treasury. As soon as the municipality receives feedback from National Treasury, a report will be written to council to indicate if it necessitates another adjustments budget to be done.

f) the IDP be amended as follows:

Municipal Infrastructure Grant

i) Skrikfontein water project (budget b/f from 2012/2013): R2 000 000,00

ii) Construction of concrete pumphouse (Moved to 2012/13):

▪ Malepetleke	: R	78 125,00
▪ Mosesetjane (Kgobudi)	: R	78 125,00
▪ Dipere/ Nong	: R	78 125,00
▪ Nkidikitlana	: R	78 125,00
▪ Dipichi	: R	78 125,00
▪ Tiberius	: R	78 125,00
▪ Wydhoek	: R	78 125,00
▪ Phahladira	: R	78 125,00
▪ Grasvlei	: R	78 125,00
▪ Mushi	: R	78 125,00
▪ Vianah	: R	78 125,00
▪ Uitspanning	: R	78 125,00
▪ Van Wykspan	: R	78 125,00
▪ Marulaneng	: R	78 125,00
▪ Kromkloof	: R	78 125,00
▪ Taolome	: R	78 125,00
▪ Pudiakgopa	: R	78 125,00
▪ Leyden	: R	78 125,00
▪ Lesodi	: R	78 125,00
▪ Rantlakane	: R	78 125,00
▪ Ga-Molekane	: R	78 125,00
▪ Rooiwal	: R	78 125,00
▪ Fothane Scheme	: R	78 125,00
▪ Moordkoppie	: R	78 125,00
▪ Hlogo Ya Nku	: R	78 125,00
▪ Ham No1	: R	46 875,00

iii) Rebone landfill to be funded from savings : R 300 000,00

g) drainage system at Dikgogopeng be considered.

h) the passage between Mokopane hospital and Mokopane College of Education be considered.

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27. ETHICS INSTITUTE OF SOUTH AFRICA (14/5/20)I
(ITEM 22 AGENDA EC 21 FEBRUARY 2012)

RESOLVED:

THAT

- a) it be noted that the Ethics Institute of South Africa will be hosting an “Integrity in Procurement” project in Mogalakwena Municipality through the Siemens Integrity Initiative.
- b) the project be supported as it is believed that it will add value to the municipality and the Ethics Institute of South Africa be thanked for their commitment in building a better society.

28. 2011/ 2012 MID YEAR BUDGET AND PERFORMANCE ASSESSMENT REPORT
(6/1/1/37) (11/2/1)LM
(ITEM 3 AGENDA SPECIAL EC 29 FEBRUARY 2012)

The item was discussed in committee. The municipal manager and all managers were recused except the council secretariat officer.

The mayor verbally reported on the recommendations of the executive committee as follows:

“*THAT*

- f) performance reports be submitted on a monthly basis.*
- g) the municipal manager be suspended with immediate effect on full salary due to failure to provide requested reports and to implement council resolutions and all keys as well as relevant equipments in the municipal manager’s possession be handed over to the Mayor’s office.*
- h) Ms D E Mailula acts as the municipal manager.”*

Councillors Tsebe, Ramashala, Lebelo and Langa requested that their names be registered against recommendations g) and h)

Councillor Motlohoneng requested a five minutes opposition parties’ caucus.

After the caucus, councillor Motlohoneng proposed that a secret ballot voting be held with regard to recommendation g) and councillor Maritz seconded the proposal.

The speaker requested that a secret ballot voting be held with regard to recommendations g) and h).

The secret ballot voting was held and 29 councillors voted in favour of the executive committee and 30 voted against the recommendations g) and h) of the executive committee and it was subsequently not adopted by council.

RESOLVED:

THAT

- a) the 2011/2012 Mid Year Budget and Performance Assessment report compiled in terms of Section 72 of the MFMA be considered.
- b) the first and second quarter performance implementation report as per the service delivery and budget implementation plan in terms of Section 52 of the MFMA be considered.
- c) it be noted that the Mid Year Budget and Performance Assessment Report was submitted to the Mayor on 25 January 2012. However, because the information received was incomplete, an updated report was re-submitted on 9 February 2012 to the Mayor.
- d) it also be noted that the amended report was submitted to the National Treasury on 3 February 2012, the Provincial Treasury and Cogshita on 6 February 2012.
- e) the Mid Year Budget and Performance Assessment Report attached as pages 6 to 98 to the special executive committee agenda dated 29 February 2012 be adopted but the performance bonuses not be paid due to poor performance.
- f) performance reports be submitted on a monthly basis.

29. 2010/2011 DRAFT ANNUAL REPORT (11/2/1)ML
(ITEM 4 AGENDA SPECIAL EC 29 FEBRUARY 2012)

RESOLVED:

THAT

- a) cognizance be taken of:
 - i) the content of the report;
 - ii) the draft 2010/2011 annual report as pages 102 to 332 to the special executive committee agenda dated 29 February 2012.
 - iii) that further amendments and improvements are implemented on the draft report.

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- b) the draft 2010/2011 annual report attached be tabled first to Council in terms of section 127 of the Local Government: Municipal Finance Management Act (MFMA) 56 of 2003.
- c) after the first tabling, the accounting officer makes the report public and invites local community to submit representations in connection with the annual report.
- d) draft 2010/2011 annual report be referred to the Oversight Committee/ MPAC after the public comments in terms of section 129 of the Local Government: Municipal Finance Management Act (MFMA) 56 of 2003.
- e) the Municipal Manager submits the draft 2010/2011 annual report to the relevant authorities as required by legislation.

**30. ESTABLISHMENT OF WARD COMMITTEES (3/2/2)PM
(ITEM 5 AGENDA SPECIAL EC 29 FEBRUARY 2012)**

RESOLVED:

THAT the report regarding the Establishment of Ward Committees be referred to the next special council meeting for adjudication.

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 13 to 16) and requested that it be noted.

RESOLVED:

THAT the content of the reports of December 2011, January and February 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 4/2/3

None.

The meeting closed at 16:00.

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SPEAKER

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DATE