

MOGALAKWENA LOCAL MUNICIPALITY

COUNCIL

MINUTES OF THE SPECIAL COUNCIL MEETING OF THE MOGALAKWENA MUNICIPALITY HELD IN THE LLEKA LEKALAKALA COUNCIL CHAMBER, CIVIC CENTRE, MOKOPANE ON WEDNESDAY, 22 JUNE 2011 AT 12:55

PRESENT

COUNCILLORS

AS PER ATTACHED ATTENDANCE REGISTER.

OFFICIALS

Messrs.	S W KEKANA	-	MUNICIPAL MANAGER
	K J MPHAGO	-	CHIEF FINANCIAL OFFICER
	G A HUDSON	-	MANAGER: TRAFFIC & EMERGENCY SERVICES
	S T MOGASHOA	-	MANAGER: TECHNICAL SERVICES
	K D MALEPA	-	DEPUTY MANAGER: TECHNICAL SERVICES
	L J SEBOLA	-	MANAGER: COMMUNITY SERVICES
	E MATSETELA	-	ACTING MANAGER: ELECTRICAL SERVICES
	M C LSHILO	-	DIVISIONAL HEAD: LEGAL SERVICES
Mesdames.	W D JOUBERT	-	DEPUTY MANAGER: FINANCE
	D E MAILULA	-	MANAGER: DEVELOPMENTAL SERVICES
	I A DE VILLIERS	-	ACTING MANAGER: CORPORATE SUPPORT SERVICES
	R MADIBELA	-	COUNCIL SECRETARIAT OFFICER

1. OPENING

The speaker welcomed all present.

2. APPLICATION OF MEMBERS FOR LEAVE OF ABSENCE

Applications for leave of absence were received from councillors M B Teffo, K D Setlatjile, M E Ramashala and L S Molomo.

RESOLVED:

THAT leave of absence from a special council meeting held on 16 March 2011 be granted to M B Teffo, K D Setlatjile, M E Ramashala and L S Molomo.

3. UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE DURING (6/14/3)WJ 2009/2010
(ITEM 3 AGENDA SPECIAL EC 22 JUNE 2011)

RESOLVED:

THAT

- a) a workshop be conducted to councillors before the adjudication of the report.
- b) finance portfolio investigate the matter and report back to council.

4. INAUGURATION OF THE MAYOR (3/2/5/1)I
(ITEM 4 AGENDA SPECIAL EC 22 JUNE 2011)

The opposition parties requested 5 minutes caucus.

RESOLVED:

THAT the inauguration of the new mayor be held on 17 July 2011.

5. ATTENDANCE OF MEETINGS BY OFFICIALS (4/2/1(4/6/2)I
(ITEM 5 AGENDA SPECIAL EC 22 JUNE 2011)

RESOLVED:

THAT it be noted that the Standing Rules and Orders of the municipality provides who must and who can attend committee and council meetings and under what circumstances.

6. DISCIPLINARY HEARING : M H THOBEJANE (5/11/1)I
(ITEM 6 AGENDA SPECIAL EC 22 JUNE 2011)

The municipal manager indicated that Mr Thobejane has been found guilty on all 26 charges of misconduct which includes fraud, gross dishonesty, theft, gross negligence, insubordination which charges are all very serious and very grievous and that for the good governance of this Municipality, anybody who has ever been found guilty in the past, may request to be reinstated if Mr Thobejane is reinstated. He further indicated that if anybody commits similar acts in future in this Municipality, will always refer to the decision that is taken by council if council decide to reinstate Mr Thobejane and not implementing the sanction of the chairperson of the tribunal.

He further indicated that in terms of section 32 of the Municipal Finance Management Act, the continual payment to Mr Thobejane constitute fruitless and wasteful expenditure. He indicated that any contrary decision taken by council will be illegal. He indicated that any money incurred for the payment of Mr Thobejane's salary will be recoverable from those who have taken the decision to reinstate Mr Thobejane.

Councillor M W Mabuela indicated that he supports the recommendation of the executive committee.

Councillor Smit indicated that he does not support the decision taken but suggested that a police case be opened against Mr Thobejane. He further proposed that a secret ballot be held.

Councillor Langa indicated that he supports the mayor's report and requests SALGA to look into the matter and that the matter should not have been outsourced. He indicated that what Mohale Incorporated brought before council is just a recommendation whether to approve it or not.

Councillor Morkel-Brink indicated that he seconds what councillor Smit proposed.

Councillor Montane proposed that all cases that Mohale Incorporated has handled be investigated.

Councillor Motlohoneng indicated that detailed information which councillors have be made available before further deliberation of this report.

Councillor Pila indicated that the charges are valueless and that Mr Thobejane be reinstated.

Councillor Maritz indicated that her vote against the resolution be recorded and that a police case be opened against Mr Thobejane.

The speaker requested councilors to show their support in favour of Mr Thobejane returning to work by means of a show of hands and the majority of councillors voted in favour of it.

The opposition parties indicated their dissatisfaction with the method of voting and reiterated that secret ballot be held.

The speaker indicated that the majority voted that Mr Thobejane reports back to work.

Councillors Smit, Morkel-Brink, Maritz, Baloyi, Senosha, Sekoala, Phokela and Motlohoneng requested that their vote against the decision of council be recorded.

RESOLVED:

THAT Mr M H Thobejane reports to work with immediate effect.

7. LOSS OF MAYORAL AND DEPUTY MAYORAL CHAINS (6/14/2)I
(ITEM 7 AGENDA SPECIAL EC 22 JUNE 2011)

The municipal manager indicated that a theft case has been opened with SAPS, and before investigations are concluded, it is difficult to suspend any official.

Councillor M W Mabuela indicated that the matter is an internal matter and that the police route is external. He further indicated that he supports the decisions taken and further investigations should continue internally.

Councillor Motlohoneng indicated that an internal investigation be conducted first and an outcome be submitted to council to deliberate on that.

Councillor Smit indicated on behalf of the DA that proper procedures in terms of the Act be followed.

Councillor Montane proposed that the mayor consult with SALGA for legal assistance.

Councillor Morkel-Brink requested that his vote be registered against the resolution of council.

RESOLVED:

THAT

- a) the progress regarding the investigation into the loss of the mayoral and deputy mayoral chains, be noted.
- b) a report be submitted why official/s responsible for the loss of the chains not suspended.
- c) a new mayoral chain with Mogalakwena logo be purchased before the inauguration.
- d) responsible official/s be suspended with immediate effect with their full salaries.

8. RE-ESTABLISHMENT OF WARD COMMITTEES (4/14)HSM
(ITEM 8 AGENDA SPECIAL EC 22 JUNE 2011)

RESOLVED:

THAT

- a) the new ward committees be established before the end of July 2011 and that their term of office be in line with the term of office of the current council.
- b) service provider be appointed.

9. FIFA FOOTBALL FOR HOPE CENTRE IN MOKOPANE (7/3/86)I
(ITEM 9 AGENDA SPECIAL EC 22 JUNE 2011)

RESOLVED:

THAT

- a) it be noted that FIFA expects from the municipality to provide erf 1/10695 Piet Potgietersrust Extension 15 where the FIFA Football for Hope Centre will be erected to be fully serviced at the expense of the municipality and council resolution 3 (c) dated 28 July 2010 be revoked and the estimated costs of R499 808,67 for the provisions of bulk services be funded by the municipality.
- b) it also be noted that the property will be provided at a nominal rent for a period of 49 years and the permission of the Premier in terms of section 79 (18) (e) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) be obtained.
- c) in terms of section 79 18 (b) of the said Ordinance objections be invited against the lease period of 49 years of erf 1/10695 Piet Potgietersrust Extension 15 for the purpose of the FIFA Football of Hope Centre.
- d) the memorandum of understanding attached as pages 101 to 115 of the executive committee agenda dated 22 June 2011 be approved for this purpose and the municipal manager be authorized to sign it on behalf of the municipality.
- e) FIFA/streetfootballworld be notified that it is a requirement that the municipality's logo also be displayed at the Centre.

22.06.11

10. ABSORPTION OF EMPLOYEES IN POLITICAL OFFICE (5/1/B)I
(ITEM 10 AGENDA SPECIAL EC 22 JUNE 2011)

RESOLVED:

THAT

- a) it be noted that certain positions on post levels 8 and 9 were advertised internally and offered to the officials in political offices in terms of council resolution A30 dated 23 February 2011.
- b) it be noted that the officials whose contracts have not yet expired will be remunerated at the salary as indicated in the contract although they might be appointed in a lower salary position.
- c) the Policy in respect of Officials in Political Offices attached as pages 120 to 123 to the executive committee agenda dated 22 June 2011 be approved and immediately be applied.
- d) the positions be advertised and secretaries be appointed.

120.
22.06.11

- e) the term of the contract tallies with the term of the political office bearers.

11. DESIGNATION OF FULL TIME COUNCILLORS (6/9/1/2)!
(ITEM 11 AGENDA SPECIAL EC 22 JUNE 2011)

Councillor Smit indicated that the DA does not support seven full-time councillors.

RESOLVED:

THAT the following councillors from the executive committee be designated as fulltime with effect from 1 July 2011:

M A Tsebe
F M Mabuela
N V Mashamaite
N S Montane

12. FUTURE MEETINGS : 2011/2012 YEAR PLANNER (4/3/1)(4/2/1)!
(ITEM 12 AGENDA SPECIAL EC 22 JUNE 2011)

RESOLVED:

THAT the year planner for meetings of council and its committees attached as page 130 to the executive committee meeting dated 22 June 2011 be approved.

13. PURCHASING OF A NEW MAYORAL VEHICLE (8/1/3/1)!
(ITEM 13 AGENDA SPECIAL EC 22 JUNE 2011)

Councillor Morkel-Brink indicated that he does not support the resolution and requested that his vote against the resolution be recorded.

Councillor Smit indicated that the DA supports councillor Morkel-Brink and that the mayor must only purchase a vehicle when the old one has done 150 000 km.

RESOLVED:

THAT

- a) permission be granted that, in spite of clause 6.1.4.2 of the guidelines provided by SALGA, the Toyota Landcruiser used by the previous mayor be replaced with a new vehicle for the new mayor.
- b) a new vehicle be purchased through the procurement section not exceeding the annual remuneration package of the Mayor as prescribed by the SALGA guidelines.

- c) the existing Toyota Landcruiser (registration number BTL 965L) be sold or trade-in which ever realises the highest amount for the municipality and the vehicle be written off and removed from the asset register (Asset number TRA 000000000162 Bar Code 12458).

**14. CASE AGAINST THE MUNICIPALITY : KATLEGO BENEFIT ADMINISTRATORS
CC (15/3/2/33)I**
(ITEM 14 AGENDA SPECIAL EC 22 JUNE 2011)

RESOLVED:

THAT it be noted that the matter is long overdue and that the presentation be made.

15. SECURITY SERVICES (7/2/2)GH
(ITEM 15 AGENDA SPECIAL EC 22 JUNE 2011)

RESOLVED:

THAT

- a) a comprehensive report be compiled and submitted to council.
- b) municipal security be made available at the mayor's residence with immediate effect.

16. SURVEILLANCE CAMERAS (19/20/4)LB
(ITEM 16 AGENDA SPECIAL EC 22 JUNE 2011)

RESOLVED:

THAT

- a) it be noted that no funds were provided on the budget for the installation of a surveillance camera system.
- b) it be noted that the prescribed procurement processes will be followed in order to obtain a service provider for the installation and maintenance of a surveillance camera system if budget is made available.

17. NEIGHBOURHOOD DEVELOPMENT PARTNERSHIP GRANT PROJECT : 03-053 (6/6/1)DM
(ITEM 17 AGENDA SPECIAL EC 22 JUNE 2011)

RESOLVED:

THAT the progress on the Neighbourhood Development Partnership Grant, be noted.

18. ORGANISATIONAL REVIEW: 2011 (5/1/B)SM
(ITEM 18 AGENDA SPECIAL EC 22 JUNE 2011)

The ANC requested 10 minutes break.

RESOLVED:

THAT the report be referred back and a workshop be conducted to councillors on Wednesday, 6 July 2011.

19. WATER AND WASTEWATER IMPLEMENTATION PLAN: INTEGRATED
APPROACH FOR GREATER MOKOPANE (18/5/5/3)TM
(ITEM 19 AGENDA SPECIAL EC 22 JUNE 2011)

RESOLVED:

THAT

- a) the report for implementation of water and waste water master plans (Functional Phase) be approved in principle.
- b) the fund raising activities highlighted in this report with DWA and the mining companies be approved in principle.
- c) the offer made by Lonmin as highlighted in the report be noted and a final approval be sought once all the details have been worked out.
- d) the municipal manager be authorized to conclude the negotiations.

The meeting closed at 14:50.

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SPEAKER

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DATE