

**MOGALAKWENA LOCAL MUNICIPALITY**

**COUNCIL**

**MINUTES OF A SPECIAL COUNCIL MEETING OF THE MOGALAKWENA MUNICIPALITY HELD IN THE LLEKA LEKALAKALA COUNCIL CHAMBER, CIVIC CENTRE, MOKOPANE ON THURSDAY, 13 JUNE 2013 AT 14:05**

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**PRESENT**

**COUNCILLORS**

AS PER ATTACHED ATTENDANCE REGISTER.

**OFFICIALS**

Messrs.	L F MASIBE	-	ACTING MUNICIPAL MANAGER
	K J MPHAGO	-	CHIEF FINANCIAL OFFICER
	J N FOURIE	-	MANAGER: ELECTRICAL SERVICES
	F L BUITENDAG	-	ACTING MANAGER: TRAFFIC & EMERGENCY SERVICES
	K D MALEPA	-	ACTING MANAGER: TECHNICAL SERVICES
Mesdames.	H S M NGOEPE	-	CHIEF OPERATIONS OFFICER
	M D SELOKELA	-	DIVISIONAL HEAD: COMMUNICATIONS
	M M MOLALA	-	MANAGER: COMMUNITY SERVICES
	S S BALOYI	-	ACTING MANAGER: CORPORATE SUPPORT SERVICES
	R MADIBELA	-	COUNCIL SECRETARIAT OFFICER

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**1. OPENING**

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The speaker welcomed all present and officially declared the meeting open.

**2. APPLICATION OF MEMBERS FOR LEAVE OF ABSENCE**

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Applications for leave of absence were received from councillors F M Mabuela, M W Mabuela and L S Molomo.

**RESOLVED:**

THAT leave of absence from a special council meeting held on 13 June 2013 be granted to councillors F M Mabuela, M W Mabuela and L S Molomo.

**3. SETTLEMENT OF LEGAL ACTIONS BETWEEN S W KEKANA /  
MOGALAKWENA LOCAL MUNICIPALITY (15/3/2/60)I  
(ITEM 3 AGENDA SPECIAL EC 13 JUNE 2013)**

Councillor C F B Smit indicated that the Democratic Alliance do not support the decision and called for division in terms of the Standing Rules and Orders of Council.

Councillors C F B Smit, K Q Dekker, F M Maritz, H T Baloyi, S C G Senosha, M A Sekoala, and M D Phokela, K D Setlatjile, D P Motlohoneng and G E Morkel-Brink requested that their names be recorded against the resolution.

**RESOLVED:**

THAT

- a) it be noted that the executive committee has noted:
  - i) the challenges which the attorneys appointed to represent Council in court in cases between the municipality and the municipal manager have in obtaining payments for the services rendered.
  - ii) the risk that this matter may lead to possible litigation with serious cost implications for Council unless a solution is found speedily.
  - iii) this matter involves the Municipal manager in his personal capacity and thus there is possible conflict of interest if it is handled by the municipal manager.
  - iv) the matter is very complex as it involves intricate legal issues which Council cannot deal with appropriately unless it obtains sound and independent legal advice.
- b) the Mayor be authorized to set a process in motion in line with the Municipal Procurement Policy to appoint a firm of attorneys and obtain legal advice on the above matter and report back to Council to take an informed decision.
- c) the Mayor ensure that the firm so appointed has experience of handling employment matters particularly in the Local Government sector.
- d) the firm so appointed should not have been engaged to do work for Mogalakwena Municipality in the recent past or be one of its existing service providers and be independent of the Municipality as this matter involves the Municipal manager.
- e) should there be a need for immediate action to be taken to protect the interest of Council based on the legal advice obtained, the Mayor is authorized to take whatever steps he considers appropriate within the framework of the law to protect the interest of Council.
- f) the Mayor report back to Council within one month.

The meeting closed at 14:22.

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**SPEAKER**

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**DATE**