

MOGALAKWENA LOCAL MUNICIPALITY

COUNCIL

**MINUTES OF THE 20TH COUNCIL MEETING OF THE MOGALAKWENA MUNICIPALITY
HELD IN THE COUNCIL CHAMBER, CIVIC CENTRE, MOKOPANE ON WEDNESDAY,
24 NOVEMBER 2010 AT 16:05**

PRESENT

AS PER ATTACHED ATTENDANCE REGISTER.

OFFICIALS

Messrs.	S W KEKANA	-	MUNICIPAL MANAGER
	L J SEBOLA	-	MANAGER: COMMUNITY SERVICES
	M H THOBEJANE	-	MANAGER: CORPORATE SUPPORT SERVICES
	S T MOGASHOA	-	MANAGER: TECHNICAL SERVICES
	J N FOURIE	-	MANAGER: ELECTRICAL SERVICES
	K J MPHAGO	-	CHIEF FINANCIAL OFFICER
	G A HUDSON	-	MANAGER: TRAFFIC & EMERGENCY SERVICES
	M P MASHOTJA	-	ACTING MANAGER: DEVELOPMENTAL SERVICES
	K D MALEPA	-	DEPUTY MANAGER: TECHNICAL SERVICES
	M C LSHILO	-	DIVISIONAL HEAD: LEGAL SERVICES
	M A TSEBE	-	PUBLIC RELATIONS OFFICER
Mesdames.	I A DE VILLIERS	-	DEPUTY MANAGER: CORPORATE SUPPORT SERVICES
	W D JOUBERT	-	DEPUTY MANAGER: FINANCE
	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 M J Shiburi, T E Mokhonoana, J D van Heerden, M J Makhafola, M M Lamola, R E Thobakgale, P H Tsebe, M E Mothibi, S K Makgae, L G Mokale, C D T Monkwe, N M Motabo, N M Sethokga, M T Matlwa, M Selomo and K R Chokoe.

RESOLVED:

THAT leave of absence from the 20th council meeting of the Mogalakwena Municipality held on 24 November 2010 be granted to councillors M J Shiburi, T E Mokhonoana, J D van Heerden, M J Makhafola, M M Lamola, R E Thobakgale, P H Tsebe, R E Mothibi, S K Makgae, L G Mokale, C D T Monkwe, N M Motabo, N M Sethokga, M T Matlwa, M Selomo and K R Chokoe.

3. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY THE SPEAKER

The speaker congratulated councillors who celebrated their birthdays during September, October and November 2010.

4. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY OTHER MEMBERS

Councillor Montane proposed condolences to the former mayor, Obed Mathiane, who passed away.

5. MINUTES OF THE PREVIOUS MEETINGS

RESOLVED:

THAT the minutes of the 19th council meeting held on 25 August 2010 (pages 125 to 139), the minutes of the special council meeting held on 8 September 2010 (pages 144 to 147) and the minutes of the special council meeting held on 20 October 2010 (pages 178 to 183), be approved and signed.

6. REPORT OF THE MUNICIPAL MANAGER

This item was discussed after item 11. All managers and officials were recused except the municipal manager.

The report from the municipal manager attached as Annexure A to the minutes was presented to the councillors, after which the council resolved as indicated hereunder.

RESOLVED:

THAT

- a) Manager: Corporate Support Services should be placed on suspension subject to the following conditions:
 - 1.1 for the duration of the investigation and finalization of disciplinary proceedings, if any;

- 1.2 that the manager should vacate the premises of the municipality upon receipt of a letter of suspension and hand over to the Municipal Manager his office keys, service laptop and other municipal belongings;
 - 1.3 that the manager should not communicate or contact in any manner whatsoever with any other employee regarding the subject matter of the investigation during the currency of the suspension;
 - 1.4 that the manager may only enter the municipal premises with the written permission of the Municipal Manager;
 - 1.5 that any request for information necessary to enforce the manager's rights relevant herein must be in writing and directed to the Municipal Manager or his authorized representative;
- b) an investigation into allegations of impropriety against the Manager: Corporate Support Services be conducted with a view to instituting disciplinary proceedings on any possible charges of misconduct;
 - c) the suspension be on full remuneration and in accordance with the law;
 - d) the Municipal Manager be mandated to effect the necessary pre-arrangements in the Corporate Support Services department with regard to the institutional organizations;
 - e) a pre-suspension hearing be instituted and conducted before a decision to suspend is made;
 - f) the Municipal Manager be mandated to constitute a disciplinary tribunal against Mr Thobejane should the investigation establish a prima facie case of misconduct;
 - g) executive committee be mandated to oversee and monitor the said investigation and to report accordingly; and
 - h) the process to be concluded by March 2011.

7. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

None.

8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETINGS

None.

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9. THE REPORT OF THE EXECUTIVE COMMITTEE FOR SEPTEMBER, OCTOBER AND NOVEMBER 2010

SECTION A

The mayor submitted the report of the executive committee (pages 3 to10) and requested that it be considered.

A : REPORT OF THE EXECUTIVE COMMITTEE FOR SEPTEMBER, OCTOBER AND NOVEMBER 2010 WITH REGARD TO MATTERS WHICH THE COUNCIL MUST CONSIDER

1. AWARDING FOR TENDERS-THIRD AND FOURTH QUARTER 2009/2010: FROM 1 JANUARY 2010 TO 30 JUNE 2010 (11/3/2)JM
(ITEM 8 AGENDA EC 16 SEPTEMBER 2010)

RESOLVED:

THAT the tenders awarded from 1 January 2010 to 30 June 2010, be noted.

2. EXPENDITURE ON STAFF AND COUNCILLORS BENEFITS FOR FOURTH QUARTER OF 2009/2010 FINANCIAL YEAR (5/2/B)&(6/1/9/2)NE
(ITEM 10 AGENDA EC 16 SEPTEMBER 2010)

RESOLVED:

THAT the expenditure on staff and councillors benefits in terms of section 66 of MFMA, Act 56 of 2003 for April 2010 to June 2010, be noted.

3. MONTHLY BUDGET STATEMENTS: JULY 2010 (11/3/2)BLM
(ITEM 11 AGENDA EC 16 SEPTEMBER 2010)

RESOLVED:

THAT the monthly budget statements for July 2010 in terms of section 71 of the MFMA (Act 56 of 2003), be noted.

4. **ACCIDENT REPORT: BSF 117 L : TRAFFIC & EMERGENCY SERVICES** **(8/2/1/1)LB**
(ITEM 12 AGENDA EC 16 SEPTEMBER 2010)

RESOLVED:

THAT

- a) the accident of motor vehicle Isuzu LDV bearing registration number BSF 117 L, be noted.
- b) it also be noted that an insurance claim has been forwarded to the council's insurance company for the bay door.
- c) it also be noted that an insurance claim has been forwarded to Waterberg District Municipality for motor vehicle BSF 117 L.
- d) disciplinary enquiry be instituted against fireman N A Pitja.

5. **PUBLIC LIABILITY CLAIM: COW DIED IN STAY HOLE** **(18/4/2)JF**
(ITEM 13 AGENDA EC 16 SEPTEMBER 2010)

RESOLVED:

THAT

- a) the incident where a cow which fell into a stay hole and died, be noted.
- b) it also be noted that the claim was rejected by council's insurers.
- c) the settlement of the claim for an amount of R6 000,00 for the cow and costs to maintain the calf from the insurance vote, be approved.

6. **COMPLAINTS, COMPLIMENTS AND SUGGESTIONS** **(18/1)I**
(ITEM 14 AGENDA EC 16 SEPTEMBER 2010)

RESOLVED:

THAT

- a) the complaints attached as pages 105 to 107 to the executive committee agenda dated 15 September 2010 received for the period 14 April 2010 to 25 June 2010, be noted.
- b) the compliments attached as page 108 to the executive committee agenda dated 15 September 2010 received for the period 14 April 2010 to 25 June 2010, be noted.

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- c) the suggestions attached as page 109 to the executive committee agenda dated 15 September 2010 received for the period 14 April 2010 to 25 June 2010, be noted.
- d) the investigation be instituted in who Jan Maboga is who served unhappy client on 5 May 2010.
- e) the matter regarding sexual harassment by Mr Tsebe be investigated and a report be submitted to the next executive committee regarding the results of the investigation.
- f) a report be submitted in the next executive committee meeting to indicate how the image of the municipality can be improved.

7. FINANCIAL INDICATORS: 31 JULY 2010 (11/3/2)KJM
(ITEM 5 AGENDA EC 13 OCTOBER 2010)

RESOLVED:

THAT the content of the monthly finance report for July 2010, be noted.

8. FINANCIAL INDICATORS: 31 AUGUST 2010 (11/3/2)KJM
(ITEM 6 AGENDA EC 13 OCTOBER 2010)

RESOLVED:

THAT the content of the monthly finance report for August 2010, be noted.

9. MONTHLY BUDGET STATEMENTS: AUGUST 2010 (11/3/2)BLM
(ITEM 7 AGENDA EC 13 OCTOBER 2010)

RESOLVED:

THAT the monthly budget statements for August 2010 in terms of section 71 of the MFMA (Act 56 of 2003), be noted.

10. INDUCTION MANUAL (5/4/2)SM
(ITEM 9 AGENDA EC 13 OCTOBER 2010)

RESOLVED:

THAT the induction manual and the annexures attached as pages 46 to 168 to the executive committee agenda dated 13 October 2010 be approved.

11. RECORDS MANAGEMENT POLICY (10/B)I
(ITEM 10 AGENDA EC 13 OCTOBER 2010)

RESOLVED:

THAT the Records Management Policy attached as pages 170 to 186 to the agenda of the executive committee meeting dated 13 October 2010, be approved.

12. ENHANCED EXTENDED DISCOUNT BENEFIT SCHEME : INTRODUCTION OF SERVICE PROVIDERS APPOINTED TO TRANSFER RESIDENTIAL PROPERTIES FOR THE FINANCIAL YEAR 2010/2011 (19/5/2)I
(ITEM 11 AGENDA EC 13 OCTOBER 2010)

RESOLVED:

THAT it be noted that the department of Local Government and Housing is in the process of transferring residential properties to tenants and qualifying beneficiaries through the Enhanced Extended Discount Benefit Scheme and Registration and Endorsement of Title Deed for Low Cost Housing Properties in the Province and that a service provider has been appointed to assist in the process.

13. YEAR PLANNER FOR 2011 (4/1)I
(ITEM 12 AGENDA EC 13 OCTOBER 2010)

RESOLVED:

THAT the content of the year planner for 2011 attached as page 212 to the executive committee agenda dated 10 November 2010, which indicates the time and dates on which the portfolio meetings, ordinary executive committee and council meetings will take place as well as the time and dates on which the agendas will be available, be approved.

14. FIRE-ARMS : TRAFFIC & EMERGENCY SERVICES (7/2/2)LB
(ITEM 13 AGENDA EC 13 OCTOBER 2010)

RESOLVED:

THAT the handing in of the following fire-arms which are unserviceable for destruction by SAPS, be approved:

9mm Pistol 1294110
9mm Pistol 1294104
9mm Beretta B07301Y
9mm Beretta B07303Y
9mm Browning 55730

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9mm Browning 55628
9mm Browning 55626
9mm Browning 55712
9mm Browning 55089
9mm Browning 55552
9mm Browning 55603

15. **ACCIDENT REPORT: FCW 081 N : TRAFFIC & EMERGENCY SERVICES** **(8/2/1/1)LB**
(ITEM 14 AGENDA EC 13 OCTOBER 2010)

RESOLVED:

THAT the accident report for motor vehicle with registration number FCW 081 N, be noted.

16. **GREENEST MUNICIPALITY COMPETITION 2010** **(17/2 &G11/2)GM**
(ITEM 6 AGENDA EC 10 NOVEMBER 2010)

RESOLVED:

THAT

- a) the award received as a result of participation in the Greenest Municipality Competition 2010, be noted.
- b) the amount of R15 000,00 be allocated to the operating budget.

17. **QUARTERLY REPORTING FOR APRIL TO JUNE 2010** **(11/3/2)NE**
(ITEM 7 AGENDA EC 10 NOVEMBER 2010)

RESOLVED:

THAT the quarterly reports in terms of section 5 (7) (iii) of the Division of Revenue Act 2003, for the months April 2010 to June 2010, be noted.

18. **FINANCIAL INDICATORS: 30 SEPTEMBER 2010** **(11/3/2)KJM**
(ITEM 8 AGENDA EC 10 NOVEMBER 2010)

RESOLVED:

THAT the content of the monthly finance report for September 2010, be noted.

19. MONTHLY BUDGET STATEMENTS: SEPTEMBER 2010 (11/3/2)BLM
(ITEM 9 AGENDA EC 10 NOVEMBER 2010)

RESOLVED:

THAT the monthly budget statements for September 2010 in terms of section 71 of the MFMA (Act 56 of 2003), be noted.

20. REQUEST FOR THE CLOSURE OF MUNICIPAL OFFICES ON 28, 29, 30 & 31
DECEMBER 2010 (5/10/1;5/10/4)SM
(ITEM 10 AGENDA EC 10 NOVEMBER 2010)

RESOLVED:

THAT

- a) the closing of the municipal offices on 28, 29, 30 & 31 December 2010 be approved.
- b) emergency and essential services as well as an emergency cashier service be rendered during the mentioned days and that such personnel be given time off at a later stage.
- c) notices be placed in the local newspapers and on the notice boards to notify the public of the closure of the municipal offices.
- d) the library be closed on the dates in a) *supra*.

21. BUSINESS PARTNERSHIP PROPOSAL BY COPPER SUNSET TRADING 226
(PTY) LTD WITH THE MUNICIPALITY REGARDING KADIKGATLO STONE
CRUSHING PROJECT (17/3/5)GWS
(ITEM 11 AGENDA EC 10 NOVEMBER 2010)

RESOLVED:

THAT

- a) the detailed business plan submitted by Copper Sunset Trading 226 (Pty) Ltd, be approved.
- b) developmental services ensures that the business plan is implemented as from Monday, 29 November 2010.

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**22. COMMUNICATION AND PUBLIC PARTICIPATION STRATEGY (12/2/2)DE
(ITEM 13 AGENDA EC 10 NOVEMBER 2010)**

RESOLVED:

THAT

- a) council determines a municipal theme for the communication / public strategy.
- b) the draft communication and participation strategy be approved.
- c) the strategy be subjected to community participation and the final, with community inputs, be submitted to council for final adoption.
- d) after final adoption of the strategy, internal departments develop operational plan.
- e) during IDP and budget review process, the action plans and other institutional arrangements be budgeted for.

**23. REQUEST FOR YEAR-END FUNCTION FOR STAFF MEMBERS BY UNIONS (5/10/4)I
(ITEM 15 AGENDA EC 10 NOVEMBER 2010)**

RESOLVED:

THAT

- a) the request of the unions that the municipality must arrange a year-end function for all municipal staff be approved as well as a function for councillors.
- b) funding be sought for separate year-end functions for municipal staff and councillors by the Finance Department.
- c) the costs of the function should not exceed the costs of the previous function.

**24. LEASE OF MUNICIPAL PROPERTY FOR 2011 ELECTIONS: INDEPENDENT ELECTORAL COMMISSION (7/3/3/76)MPM
(ITEM 3 AGENDA SPECIAL EC 24 NOVEMBER 2010)**

RESOLVED:

THAT

- a) the leasing of the following venues to the Independent Electoral Commission for the purpose of the 2011 municipal elections be approved:

Council Foyer (Lleka Lekalakala Council Chambers)
Rebone Community Hall
Open Space Ext 17
Open Space in Unit B
Open Space in Ext 14
Open Space in Ext 20

- b) the rental option of R1000,00 be chosen in respect of the Council Foyer (Lleka Lekalakala Council Chambers) and Rebone Community Hall and the R125,00 option in respect of the Open Space in Ext 17, Open Space in Ext 14, Open Space in Unit B and Open Space in Ext 20 and the lease agreements attached as pages 6 to 89 to the special executive committee agenda dated 24 November 2010, be approved for the purpose of a) *supra*.

25. INTERPRETATION AND APPLICATION: SALARY AGREEMENT (5/2/1)SM
(ITEM 4 AGENDA SPECIAL EC 24 NOVEMBER 2010)

RESOLVED:

THAT

- a) circular 26/2010 from South African Local Government Association (SALGA) regarding an arbitration award in respect of application and interpretation of salary and wage collective Agreement for the 2009/2010 financial year be, noted.
- b) all extra payments that were made to employees during the period 1 July 2009 to 30 June 2010 be re-calculated with 2,5% be approved and the differences be paid to respective employees from Accumulated Surplus.

26. FEEDBACK ON DELIMINATION OF WARD BOUNDARIES FOR 2011 LOCAL GOVERNMENT ELECTIONS (17/1/2)DE
(ITEM 5 AGENDA SPECIAL EC 24 NOVEMBER 2010)

RESOLVED:

THAT

- a) the new voting districts that determine the new ward boundaries for Mogalakwena Municipality, be noted.
- b) the twenty four newly approved voting stations, be noted.

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27. PERFORMANCE MANAGEMENT SYSTEM: FRAMEWORK (5/14)HSM
(ITEM 6 AGENDA SPECIAL EC 24 NOVEMBER 2010)

RESOLVED:

THAT

- a) the Performance Management System Framework for the implementation of the Performance Management System attached as pages 128 to 265 to the special executive committee agenda dated 24 November 2010, be approved.
- b) a workshop be arranged for councillors in this regard.

28. ABSORPTION OF PERSONNEL FROM DWAF (5/1/2/10)SM
(ITEM 7 AGENDA SPECIAL EC 24 NOVEMBER 2010)

RESOLVED:

THAT

- a) the incorporation of the employees on the list attached as pages 271 to 273 to the special executive committee agenda dated 24 November 2010 transferred from the Department of Water Affairs, be formalized.
- b) the incorporation be with effect from 1 March 2010, and salaries be in accordance with the positions of the Municipality that they are in.
- c) the employees whose salary levels are higher than the positions they are in retain their salaries until the equivalent positions are created.
- d) the one position of Clerical Assistant on post level 10 be created in Technical Services Administration, reporting to Cost Control Clerk, to accommodate one employee.
- e) the one position of Community Development Officer in IDP Section of Developmental Services be created, to accommodate the other employee.
- f) seventeen positions of General Worker in Technical Services, and one position of Community Development Officer in IDP: Developmental Services be unfreezed.
- g) the conditions of service applicable to municipal employees be extended to apply to the transferred employees.

29. DETERMINATION OF UPPER LIMITS OF SALARIES OF COUNCILLORS
(ITEM 8 AGENDA SPECIAL EC 24 NOVEMBER 2010) **(6/9/12)SM**

RESOLVED:

THAT

- a) circular 53/2010 from SALGA regarding the determination of upper limits of salaries, allowances and benefits for Councillors, be noted.
- b) as soon as the Minister for Co-operative Government and Traditional Affairs and the MEC for Local Government and Housing have published a final determination, the Municipal Manager be authorized to implement the determination.

30. WATER CARTING / TANKERING TO VILLAGES
(ITEM 9 AGENDA SPECIAL EC 24 NOVEMBER 2010) **(18/3/10/1)STM**

RESOLVED:

THAT

- a) the current water situation in the villages, be noted.
- b) the way forward with regard to temporarily addressing the water carting / tankering situation be noted which must be effective immediately.

31. STATUS REPORT ON MOKOPANE GOLF ESTATE DEVELOPMENT **(17/1/1)STM**
(ITEM 10 AGENDA SPECIAL EC 24 NOVEMBER 2010)

RESOLVED:

THAT the status with regard to the Mokopane Golf Estate Development, be noted and a follow-up be made.

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**32. MOTLHOTLO VILLAGE, (GA-PUKA & GA-SEKHAOLELO)–MUNICIPAL SERVICES INTENDED HAND OVER BY ANGLO PLATINUM LTD (7/3/2)STM
(ITEM 11 AGENDA SPECIAL EC 24 NOVEMBER 2010)**

RESOLVED:

THAT

- a) the municipality takes over the infrastructure; the operations and maintenance of these services (i.e. Water provision, Sanitation, Roads & Storm water, Electricity Public Lighting and Refuse removal) at Ga-Puka & Ga-Sekhaolelo villages once all remedial works has been completed to the satisfaction of the municipality.
- b) the municipal manager be authorized to sign the “Municipal & Infrastructure services Agreement / Contract” attached as pages 394 to 406 to the special executive committee agenda dated 24 November 2010.
- c) a Task Team comprising of executive committee members and officials to be appointed by the municipal manager be established to assist and support the community in engaging with Anglo Platinum (Pty) Ltd with the objective to resolve and meet or satisfy other commitments as detailed in the Relocation Project Agreements.

**33. PROGRESS REPORT OF REGISTRATION OF INDIGENT HOUSEHOLDS (6/6/4)AH
(ITEM 12 AGENDA SPECIAL EC 24 NOVEMBER 2010)**

RESOLVED:

THAT

- a) the progress on the registration of indigent households be noted as well as that the registration process is well on track.
- b) a further report be submitted with regard to indigents whose services were disconnected.

**34. 2010/2011 IDP PROJECT RELOCATION – MOSESETJANE TO MAGONGOA MAIN ROAD (18/5/2/2)DM
(ITEM 13 AGENDA SPECIAL EC 24 NOVEMBER 2010)**

RESOLVED:

THAT the relocation of project No MLRS-1, (Mosesetjane to Magongoa main road), in the 2010/2011 IDP to :

- i) Kgobudi Taxi Route – R4 000 000,00 for the 2010/2011 financial year; and
- ii) Sekgoboko Taxi Route – R4 000 000,00 for the 2011/2012 financial year, be approved.

SECTION B

B: REPORT OF THE EXECUTIVE COMMITTEE FOR SEPTEMBER, OCTOBER AND NOVEMBER 2010 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 11 to 26) and requested that it be noted.

RESOLVED:

THAT the content of the reports of September, October and November 2010 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 terminated at 16:59.

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SPEAKER

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DATE