

## **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 MONDAY, 25 JUNE 2012 AT 14:10**

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#### **PRESENT**

#### **COUNCILLORS**

AS PER ATTACHED ATTENDANCE REGISTER.

#### **OFFICIALS**

Messrs.	S W KEKANA	-	MUNICIPAL MANAGER	
	T S MOGASHOA	-	MANAGER: TECHNICAL SERVICES	
	K J MPHAGO	-	CHIEF FINANCIAL OFFICER	
	L J SEBOLA	-	MANAGER: COMMUNITY SERVICES	
	J N FOURIE	-	MANAGER: ELECTRICAL SERVICES	
	F L BUITENDAG	-	ACTING MANAGER: TRAFFIC &	
			EMERGENCY SERVICES	
Mesdames.	I A DE VILLIERS	-	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 requested that a moment of silence be observed.

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

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Applications for leave of absence were received from councillors R E Mothibi, M I Mogotlane, R D Ramasobana, R P Madubana, H S Mathebula, M M Moseamedi, N S Montane, M E Ramashala, P S Mabe, M J Chauke and N V Mashamaite.

#### **RESOLVED:**

THAT leave of absence from a special council meeting held on 25 June 2012 be granted to councilors R E Mothibi, M I Mogotlane, R D Ramasobana, R P Madubana, H S Mathebula, M M Moseamedi, N S Montane, M E Ramashala, P S Mabe, M J Chauke and N V Mashamaite.

**3. OVERTIME POLICY (5/9/2)I**  
**(ITEM 16 AGENDA 19 JUNE 2012)**

**RESOLVED:**

THAT

- a) the overtime policy attached as pages 147 to 152 to the executive committee agenda dated 19 June 2012 be approved and be implemented with effect from 1 July 2012.
- b) the agreement that must be entered into with officials in terms of the overtime policy attached as pages 153 to 157 be approved.

**4. SECURITY SERVICES (7/2/2)GH**  
**(ITEM 19 AGENDA 19 JUNE 2012)**

**RESOLVED:**

THAT

- a) the financial implication for the establishment of in-house security be noted.
- b) the appointment of private security companies to make up for the shortfall in security guards through normal procurement processes, be approved.
- c) council enters into a service level agreement with the successful service provider(s) for a period of one year.

**5. CASE AGAINST THE MUNICIPALITY : M P PALE : CASE NUMBER**  
**4585/2012 (15/3/2/61)I**  
**(ITEM 24 AGENDA 19 JUNE 2012)**

The municipal manager advised that council should consider settling the matter to avoid further costs.

Councillor G E Morkel-Brink requested that a division be called and councillor C F B Smit seconded the proposal. Councillors C F B Smit, M D Phokela, K Q Dekker, M F Maritz, H T Baloyi, S C G Senosha, L S Molomo and G E Morkel-Brink recorded their names against the resolution.

**RESOLVED:**

THAT a written legal opinion be sought from COGHSTA, Premier's office and SALGA within seven days and a further report be submitted to council.

**6. CASE AGAINST THE MUNICIPALITY : AFRIFORUM : CASE NUMBER  
5007/12 (15/3/2/62)I  
(ITEM 25 AGENDA 19 JUNE 2012)**

Councillor C F B Smit requested that a division be called and councillor G E Morkel-Brink seconded the proposal. Councillors C F B Smit, M D Phokela, K Q Dekker, M F Maritz, H T Baloyi, S C G Senosha, L S Molomo and G E Morkel-Brink recorded their names against the resolution.

**RESOLVED:**

THAT a written legal opinion be sought from COGHSTA, Premier's office and SALGA within seven days and a further report be submitted to council.

**7. CASE AGAINST THE MUNICIPALITY : MANINGO SECURITY CC (15/3/2/63)I  
(ITEM 26 AGENDA 19 JUNE 2012)**

**RESOLVED:**

THAT

- a) it be noted that Maningo Security CC has issued a summons against the municipality in the North Gauteng High Court under case number 250/2012 in the amount of R435 981,60 plus 15,5% interest per annum and costs for security services rendered.
- b) it also be noted that in terms of legal advice obtained the municipality has a very slim chance of successfully defending this matter and that it was advised that the municipality should rather settle this matter out of court.
- c) the settlement agreement attached as pages 327 to 329 to the executive committee agenda dated 19 June 2012 be approved and be entered into with Maningo Security CC in case number 250/2012.
- d) the municipal manager be authorized to sign the settlement agreement on behalf of the municipality and the amount of R435 981,60 plus interest at 15,5% per annum plus taxed legal costs be paid in terms of the settlement agreement.
- e) the MPAC be authorized to investigate the matter and the executive committee oversee the process and a report be submitted on Friday, 29 June 2012.

**8. REPORT ON MFMA SECTION 32 EXPENDITURE: 2009/10 FINANCIAL YEAR  
(6/14/3)KJM**  
**(ITEM 3 SPECIAL AGENDA 25 JUNE 2012)**

**RESOLVED:**

THAT the report by MPAC be submitted to a special council meeting on Friday, 29 June 2012 after the executive committee has visited all the projects.

**9. REPORT ON MFMA SECTION 32 EXPENDITURE: 2010/11 FINANCIAL YEAR  
(6/14/3)KJM**  
**(ITEM 4 SPECIAL AGENDA 25 JUNE 2012)**

**RESOLVED:**

THAT the report by MPAC be submitted to a special council meeting on Friday, 29 June 2012 after the executive committee has visited all the projects.

**10. MOGALAKWENA MUNICIPAL SPORTS AND RECREATION TEAM TO PLAY IN  
BOTSWANA (5/10/5)**  
**(ITEM 5 SPECIAL AGENDA 25 JUNE 2012)**

**RESOLVED:**

THAT

- a) the South African International Municipal Games that will take place in Botswana, be noted.
- b) participating employees be granted a special leave during the South African International Municipal Games.
- c) all employees taking part in this trip will be treated as if they are on duty and normal working conditions of service will apply.
- d) it also be noted that all participating employees will be away from the office from 22/09/2012 to 29/09/2012.
- e) the municipal manager be authorized to revise the list when need arises.
- f) the office of the Mayor and the office of the chairperson of the community services portfolio committee be represented on the trip.
- g) the total costs for the trip be paid from vote no: 0001 461 110 040.

11. **WORK SKILLS PLAN** **(5/4B)I**  
**(ITEM 6 SPECIAL AGENDA 25 JUNE 2012)**

**RESOLVED:**

THAT the Work Skills and Training Plan for 2012/2013 attached as pages 27 to 80 to the special executive committee meeting held on 25 June 2012, be noted.

**The meeting closed at 15:06.**

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**SPEAKER**

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**DATE**