

MINUTES OF THE 12TH COUNCIL MEETING WHICH WAS HELD ON THE 31ST JULY 2018 AT 10H00 IN THE COUNCIL CHAMBER, CIVIC CENTRE, BA-PHALABORWA MUNICIPALITY

ATTENDANCE

A. COUNCILLORS

Cllr MM Malatji	-	Speaker
Cllr PJ Shayi	-	Mayor
Cllr E. Hlungwani	-	Chief Whip
Cllr SL Mohlala		
Cllr MM Malesa		
Cllr T. Nkuna		
Cllr SR De Beer		
Cllr NJ Mampuru		
Cllr PK Mashego		
Cllr LM Matlala		
Cllr MJ Valoyi		
Cllr ST Mkansi		
Cllr TC Malatjie		
Cllr VM Rapatsa		
Cllr SM Shayi		
Cllr KP Mhlarhi		
Cllr EA Mokoena-Mashele		
Cllr R. Makasela		
Cllr PS Dikgale		
Cllr DR Bayana		
Cllr MMA Mathebula		
Cllr KO Pilusa		
Cllr Z. Ndhlovu		
Cllr RJ Mphogo		
Cllr JA Williamson		
Cllr SK Shayi		

B. OFFICIALS

Ms MI Moakamela	-	Municipal Manager
Mr H. Zungu	-	Senior Manager: Community & Social Services
Ms PF Nogilana-Raphela	-	Senior Manager: Corporate Services
Mr HP Maluleke	-	Senior Manager: Planning & Development
Ms S. Mahumani	-	Acting Senior Manager: Technical Services
Ms ZN Ndou	-	Acting Chief Financial Officer
Ms MM Makhongela	-	Chief Audit Executive
Mr CJ Lourens	-	Chief Electrical Engineer

Mr TS Mashale	-	Manager: Legal
Mr TMT Sekwari	-	Manager: Risk Management
Mr KKL Pilusa	-	Manager (Office of the MM)
Ms L. Khoza	-	MPAC Researcher
Mr SE Mthombeni	-	Senior Admin Officer: Committees
Ms JJ Visser	-	Scribe

1. OPENING AND WELCOME

The Honourable Speaker Cllr MM Malatji welcomed the Mayor, all Executive Committee members, Councillors, the Chairperson of MPAC, and officials led by the Municipal Manager.

She declared the meeting officially opened.

2. SIGNING OF THE ATTENDANCE REGISTER

All members present were requested to sign the attendance register.

3. APPLICATIONS FOR LEAVE OF ABSENCE

Councillors

Cllr S. Magomane
Cllr NA Sono
Cllr KA Peta
Cllr A. Ngobeni
Cllr B. Ramothwala
Cllr NB Maake
Cllr SP Mashumu
Cllr GH Lamola
Cllr ME Mokgalaka
Cllr TS Ndhlovu (late apology)

Officials

Mr TJ Mogano	-	Chief Financial Officer
Mr JN Mahesu	-	Manager: Communication
Ms L. Turbridge	-	Manager: Administration & Council Support

4. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

The Honourable Speaker Councillor MM Malatji in her opening, present the following:

"It is with the greatest of sadness that I deliver to you today the heart-breaking news of the death of our colleagues and friends Mr Sello Shadrack Ramalepe, who tragically lost his life on the 20th of July 2018 after a short illness. Ramalepe was responsible for Youth, Gender and Disability desk in our institution. Mr Oupa Magagula passed on yesterday after a short illness. Magugula was one of the great pioneer for yourth development in our community. He was the Secretary of National of Mine Workers (NUM at PMC during the time of his passing.

Lets us observe a moment of silence in honour of our great heroes – May their Soul Rest in Peace.

First and foremost, I would like to thank all Councillors who dedicated 67 minutes of their time to cleaning up their surroundings during Mandela Day. As part of celebrating Mandela month, our Honourable Mayor Pule Shayi accompanied by myself (Madam Speaker, Executive Committee Members and Ward Councillors donated blankets to hundreds of Senior Citizens of Ba-Phalaborwa at Namakgale Town Hall last Thursday. Our Community is the perfect example of what can be achieved when people come together because of our history.

Honourable Members, I would also like to wish our fellow African brothers and sisters in Zimbabwe a peaceful election. For now I'm quite pleased that so far we have not had any problems regarding violence. All parties, brought together, are campaigning peacefully. My wish is for them to continue like that"

5. STATEMENTS AND COMMUNICATIONS BY OTHER COUNCILLORS

None.

6. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETINGS:

6.1 That the minutes of the 11th Council meeting held on the 28th June 2018 **BE APPROVED AND CONFIRMED.**

7. DEPUTATIONS

322/18 (A) PRESENTATION BY MPAC

**REPORT ON UNAUTHORISED/IRREGULAR/FRUITLESS & WASTEFUL
EXPENDITURE, RESOLUTIONS 299/18, 297/18 & 298/18 PROBE BY MPAC**

(4/9/24) (31ST JULY 2018)

RESOLUTION

1. That Council **NOTE** that MPAC considered and probed the irregular expenditure as per Council resolutions.
2. That Council **NOTE** that MPAC considered and probed the unauthorised expenditure as per Council Resolution.
3. That Council **NOTE** that MPAC considered and probed the fruitless and wasteful expenditure as per Council Resolution.
4. That Council **NOTE** that there are criminal cases opened by Management on the cases where there element of criminality.
5. That Council **NOTE** that the disciplinary action going on with regards to irregularities.
6. That Council **NOTE** the management strategies of curbing the irregular expenditure in terms of procuring the services of the lawyers, accommodation and loud hailing. (Recent appointment pool of consultant).
7. That Council **WRITE-OFF** the irregular expenditure since financial year 2011 to financial year 2017 as MPAC cannot recover such monies from officials.
8. That Council **WRITE-OFF** the unauthorised expenditure since financial year 2011 to financial year 2017 as MPAC cannot recover such monies from officials.
9. That Council **WRITE-OFF** the fruitless and wasteful expenditure since financial year 2011 to financial year 2017 since MPAC cannot recover such monies from officials.

10. That Council **WRITE-OFF** the irregular expenditure to the value of R153 004 530.00 which is cumulative.

11. That Council **WRITE-OFF** the fruitless and wasteful expenditure to the value of R13 780 175 which is cumulative.

12. That Cllr SR de Beer's **OBJECTION BE NOTED**.

13. That Cllr AN Mmola and Cllr Z. Ndhlovu's **REJECTION BE NOTED**.

14. That **IT BE NOTED** that Cllr AN Mmola and Cllr Z. Ndlovu walked out of the meeting.

8. QUESTIONS AND ANSWERS OF WHICH NOTICE HAS BEEN GIVEN

None.

9. MOTIONS OR PROPOSALS REFERRED FROM PREVIOUS MEETINGS

None.

10. COMMENTS OF THE MUNICIPAL MANAGER

None.

11. IMPLEMENTATION OF PREVIOUS COUNCIL RESOLUTIONS

RESOLUTION

That the implementation of previous Council resolutions **BE NOTED**.

12. REPORT OF THE EXECUTIVE COMMITTEE

323/18 MONTHLY REPORT FOR JUNE 2018 -OFFICE OF THE MM (MM)

(5/2/1) (31ST JULY 2018)

RESOLUTION

1. That council **NOTES** the monthly report for the office of the MM for June 2018.

2. That council **NOTES** the progress on the compliance checklist.

3. The council **NOTES** the progress on the strategic Risk.
4. That council **NOTES** the expenditure Report.

324/18 SECURITY REPORT FOR JUNE 2018 (RISK)

(8/2/4) (6/14/2) (31ST JULY 2018)

RESOLUTION

That the Security report for June 2018 **BE NOTED**.

325/18 4TH QUARTER INSURANCE REPORT (RISK)

(8/2/4) (6/14/2) (31ST JULY 2018)

RESOLUTION

That Council **NOTES** the 4th Quarter Insurance report.

326/18 INTERNAL AUDIT FOLLOW- UP REPORT FOR JUNE 2018 (IA)

(4/9/9) (31ST JULY 2018)

RESOLUTIONS

That the following **BE NOTED**:

The following report outlines the progress on implementation of internal audit recommendations for the month ended 30 June 2018. The report shows progress per department and also the institutional progress report:

Department	Implemented	% Progress Implemented	Not Implemented	% Progress Implemented
Office of the MM	5	50%	5	50%
Budget & Treasury	31	60%	20	40%
Planning and Development	18	53%	16	47%

Corporate Services	15	68%	7	32%
Technical Services	2	67%	1	33%
Institutional Progress	72	60%	48	40%

327/18 PROGRESS ON AG ACTION PLAN (CAE)

(4/9/9) (31ST JULY 2018)

RESOLUTION

1. That Council **APPROVE** the AG Action Plan to address 2016/2017 audit findings.
2. That Council **NOTES** progress on the AG Action Plan.
3. That Council **NOTES 16%** AG Action plan implemented and **84%** not implemented.

328/18 BATHO-PELE REPORT FOR MAY 2018 (MM)

(13/2/1/47) (31ST JULY 2018)

RESOLUTION

That the Batho-Pele report for May 2018 **BE NOTED**.

329/18 MONTHLY REPORT FOR JUNE 2018 - CORPORATE SERVICES (CORPS)

(10/2/1) (31ST JULY 2018)

RESOLUTION

1. That the monthly report for Directorate Corporate Services for the month of June 2018 **BE NOTED**.
2. That the progress on strategic Risk Management Implementation for June 2018 **BE NOTED**.

3. That the Corporate Services Civil & Labor Cases Register for June 2018 **BE NOTED.**
4. **That a detailed report regarding the Juxtapose vs Ba-Phalaborwa Municipality case BE SUBMITTED to the next Executive Committee meeting.**
5. That the Occupational Health & Safety Report for June 2018 **BE NOTED.**
6. That the Appointments for June 2018 **BE NOTED.**
7. That the Vacancy Rate for June 2018 **BE NOTED.**
8. That the Leave report for June 2018 **BE NOTED.**
9. That the Overtime report for June 2018 **BE NOTED.**
10. That the IT Progress Report for June 2018 **BE NOTED.**
11. That the Expenditure Report for June 2018 **BE NOTED.**
12. That the compliance Checklist for June 2018 **BE NOTED.**
13. That the Worksheet for implementation of Council Resolutions for June 2018 **BE NOTED.**

330/18

4th QUARTER OHS REPORT (CORPS)

(4/7/29) (31ST JULY 2018)

RESOLUTION

1. That Senior Management **NOTE** the legal requirement of appointments in compliance to Section 16.1 of the Occupational Health and Safety Act.
2. That Senior Management **CONSIDER** Safety in the working environment as a serious matter.
3. That Senior Management **NOTES** the functionality of departmental OHS Committees.
4. That Senior Management **NOTES** departments which are not complying.
5. That Senior Management **NOTES** progress on Injuries on duty investigations.

331/18 REPORT ON COAT OF ARMS (CORPS)

(1/2/5/114) (31ST JULY 2018)

RESOLUTION

That a detailed report that will include the interpretation of the current Coat of Arms and the costing of doing a new Coat of Arms **BE DONE.**

332/18 MONTHLY REPORT FOR JUNE 2018 COMMUNITY & SOCIAL SERVICES (CSS)

(10/2/1) (31ST JULY 2018)

RESOLUTIONS

1. THAT the Monthly Report for Community and Social Services for June 2018 **BE NOTED.**
2. THAT the Monthly Report for the Testing Section (Licensing) for June 2018 **BE NOTED.**
3. THAT the Monthly Report for the Registration Authority **BE NOTED.**
4. THAT the Statistics for Traffic fines for June 2018 **BE NOTED.**
5. THAT the Traffic Special Operation Program implemented June 2018 **BE NOTED.**
6. THAT the Traffic Special Operation Program to be implemented in July 2018 **BE NOTED.**
7. THAT the Road marking report for June 2018 **BE NOTED.**
8. THAT the Food Handling Premises Inspection Report for June 2018 **BE NOTED.**
9. THAT the Food Handling Premises Inspection Program for July 2018 **BE NOTED.**
10. THAT the Illegal Dumping Report for June 2018 **BE NOTED.**
11. THAT the Ba-Phalaborwa Local Municipality Landfill Site Monthly and Operational report for June 2018 **BE NOTED.**
12. THAT the report on the Status of Refuse Removal Vehicles for June 2018 **BE NOTED.**

13. THAT the up keeping of Parks and Open spaces plan for July 2018 **BE NOTED.**
14. THAT the Maintenance and Mowing report for Developed Parks, Open spaces mowing roster for June 2018 **BE NOTED.**
15. THAT the Operators monthly program for July 2018 from Parks and Cemeteries **BE NOTED.**
16. THAT the Cemeteries maintenance plan for July 2018 **BE NOTED.**
17. THAT the Monthly Burial Report for June 2018 **BE NOTED.**
18. That a report on the burial statistics to include the villages **BE BROUGHT** to the next Executive Committee Meeting.
19. THAT the Consolidated Library Services report for June 2018 **BE NOTED.**

333/18

MONTHLY REPORT FOR JUNE 2018 -TECHNICAL SERVICES (TS)

(10/2/1) (31ST JULY 2018)

RESOLUTION

1. That the implementation of the DTS Performance Report for June 2018 **BE NOTED.**
2. That the implementation report of the Water Services maintenance plan **BE NOTED.**
3. That the implementation report of the Electrical, Mechanical & Fitting Maintenance plan **BE NOTED.**
4. That the implementation report of the Building Services Maintenance plan & Building Inspectorate **BE NOTED.**
5. That the implementation report of the Roads and Storm Water Maintenance plan **BE NOTED.**
6. That a progress report on the project in Ward 7 done by MDM **BE BROUGHT** to the next EXCO meeting.
7. That the Technical Service **INTERVENE** to ensure that the project is implemented.
8. That the MIG Expenditure **BE NOTED.**

9. That the compliance Check List **BE NOTED**.
10. That the Integrated National Electrification program **BE NOTED**.
11. That the water and sanitation maintenance **BE NOTED**.
12. That the Customer Care Report **BE NOTED**.
13. That the stakeholders report **BE NOTED**.

334/18 MONTHLY REPORT FOR JUNE 2018 PLANNING & DEVELOPMENT (P&D)

(10/2/1) (31ST JULY 2018)

RESOLUTION

1. That council **NOTES** the Department of planning and Development's June 2018 monthly report.
2. That council **NOTES** on the strategic Risk Register.
3. That council **NOTES** the Planning and Development expenditure report for June 2018.
4. That council **NOTES** the Planning and Development Compliance Checklist for May 2018.

335/18 SDBIP IMPLEMENTATION PLAN (P&D)

(16/1/3/4) (31ST JULY 2018)

RESOLUTION

1. That Council **NOTES** 2018/19 Service Delivery Budget Implementation Plan.
2. That Council within **14 DAYS** give notice to the Public of the approval of 2018/19 SDBIP.

336/18 DRAFT POLICY ON OUTDOOR ADVERTISING CONTROL & PROCEDURE MANUAL (P&D)

(1/2/5/5) (31ST JULY 2018)

RESOLUTION

1. That council **NOTES** this report.

2. That council **APPROVES** the draft policy.

337/18 WRITE-OFF OF MUNICIPAL PROPERTIES WITH NO TITLE DEEDS (P&D)

(6/17/1) (31ST JULY 2018)

RESOLUTION

1. That the report **BE WITHDRAWN, RE-WORKED AND RE-SUBMITTED** to the next Portfolio Committee meeting.

338/18 STAKE HOLDER ANALYSIS (P&D)

(4/9/19) (31ST JULY 2018)

RESOLUTION

1. That the report **BE WITHDRAWN, RE-WORKED AND RE-SUBMITTED** to the next Portfolio Committee meeting.

339/18 ALLEGED OCCUPYING RDP HOUSES IN GRAVELOTTE (P&D)

() (31ST JULY 2018)

RESOLUTION

1. That the report **BE WITHDRAWN, RE-WORKED AND RE-SUBMITTED** to the next Portfolio Committee meeting.

340/18 2019/20 IDP, BUDGET, PMS AND MPAC FRAMEWORK AND PROCESS PLAN (P&D)

(16/1/3/4) (30TH JUNE 2018)

RESOLUTION

1. That Council **ADOPTS** the 2019/20 IDP, Budget, PMS and MPAC Framework and Process Plan.
2. Council makes the 2019/20 IDP, Budget, PMS and MPAC Framework and Process Plan **PUBLIC** within 10 days after approval.

341/18 ASSET MANAGEMENT REPORT FOR JUNE 2018 (CFO)

(7/2/1/30) (31ST JULY 2018)

RESOLUTIONS

1. That Council **NOTE** an amount of **R563 050.78** raised for Retention on Projects (WIP) assets for the month of June 2018.
2. That Council **NOTE** an amount of **R 8 144 466.25** recognized for infrastructure Projects Asset WIP for the month of June 2018.
3. That Council **NOTE** depreciation of **R 5 589,819.63** for the month of June 2018.
4. That Council **NOTE** Amortization of **R 35 819.81** for the month of June 2018.

342/18 BTO PERFORMANCE REPORT FOR JUNE 2018 (CFO)

(10/2/2) (31ST JULY 2018)

RESOLUTIONS

That the BTO Performance Report for June 2018 **BE NOTED**.

343/18 BUDGET STATEMENTS REPORT FOR JUNE 2018 (CFO)

(6/1/1) (10/2/2) (31ST JULY 2018)

RESOLUTIONS

1. That cognizance **BE TAKEN** of the contents of the report.
2. That the **MAYOR CONSIDERS** the report and deals with it in terms of section 54 of the Municipal Finance Management Act.

344/18 COUNCILLORS ACCOUNTS FOR JUNE 2018 (CFO)

(6/13/6) (31ST JULY 2018)

RESOLUTIONS

That the Councilors Accounts Report for the month of June 2018 **BE NOTED**.

345/18 CREDIT CONTROL & DEBT MANAGEMENT REPORT (CFO)

(6/13/6) (31ST JULY 2018)

RESOLUTION

1. That the report for Credit Control and Debt Management for the month of June 2018 **BE NOTED**.

346/18 EMPLOYEE ACCOUNTS FOR JUNE 2018 (CFO)

(6/13/6) (31ST JULY 2018)

RESOLUTIONS

1. That the Employee Accounts Report for the month of June 2018 **BE NOTED**.
2. That the Council make the employees **AWARE** of their accounts.
3. That the Municipal employees **BE MADE AWARE** of the Credit Control Policy & Debt Management, Code of Conduct & Municipal Systems Act.

347/18 EMPLOYEE ACCOUNTS REPORT IN VILLAGES (CFO)

(6/13/6) (31ST JULY 2018)

RESOLUTION

That the Employee Accounts report in Villages **BE NOTED**.

348/18 FINANCIAL PERFORMANCE REPORT (CFO)

(10/2/2) (31ST JULY 2018)

RESOLUTION

That the following **BE NOTED**:

1. The financial report for the period ended 30 June 2018 excluding water and waste water management.
2. The summary of monthly budget statement report for the month ended 30 June 2018.
3. The financial performance for the month ended 30 June 2018.
4. The financial position as at 30 June 2018.

5. The total operating revenue (as per GRAP) for the month ended 30 June 2018 is R20.9 million.
6. Revenue capital contribution recognized amount to R7.5 million.
7. Operational expenditure on financial performances is R36 million.
8. Capital expenditure incurred during the month ended 30 June 2018 is R10.6 million.
9. Consolidated call deposit accounts held at STD Bank and ABSA closed with a balance of R9 million on 30 June 2018.
10. That Councillors and staff benefits for June 2018 amount to R11.2 million **BE APPROVED**.
11. Municipal primary bank reconciliation closed with a positive balance of R538 Thousand.

349/18 FLEET MANAGEMENT REPORT (CFO)

(8/1/2/9) (31ST JULY 2018)

RESOLUTION

1. That Council **NOTE** the fleet management reports.
2. That Senior Managers take **RESPONSIBILITY** of the use of the vehicles in their departments.

350/18 GRANT RECONCILIATIONS FOR JUNE 2018 (CFO)

(10/2/2) (31ST JULY 2018)

RESOLUTIONS

That the Grant Reconciliation report for June 2018 **BE NOTED**.

351/18 INVESTMENT REGISTER FOR MAY 2018 (CFO)

(6/9/1) (31ST JULY 2018)

RESOLUTIONS

That the Investment Register for the month of June 2017 **BE NOTED**.

352/18 KEY ACCOUNTS FOR MAY 2018 (CFO)

(6/13/6) (31ST JULY 2018)

RESOLUTION

That the key Accounts Report for the month of June 2018 **BE NOTED**.

353/18 RETENTION REGISTER (CFO)

(9/3/1) (30TH MAY 2018)

RESOLUTION

That the Retention Register for the month of June 2018 **BE NOTED**.

354/18 REVENUE MANAGEMENT REPORT (CFO)

(6/6/1/8) (31ST JULY 2018)

RESOLUTIONS

1. That the Billing vs Collection report for the month of June 2018 **BE NOTED**.
2. That the credit control and debt collection progress report of June 2018 **BE NOTED**.
3. That the government debt schedule of outstanding debt for the month of June 2018 **BE NOTED**.
4. That the property rates charges for the month of June 2018 **BE NOTED**.
5. That the prepaid electricity report for the month of June 2018 **BE NOTED**.

355/18 SUPPLY CHAIN & FLEET MANAGEMENT REPORTS FOR JUNE 2018 (CFO)

(6/1/1) (10/2/2) (31ST JULY 2018)

RESOLUTIONS

1. That council **NOTES** supply chain management report for June 2011.
2. That council **NOTES** tenders advertised in June 2018.

3. That council **NOTES** tenders evaluated in the month of June 2018.
4. That council **NOTES** Tenders adjudicated phase for the month of June 2018.
5. That council **NOTES** tenders awarded during the month of June 2018.
6. That council **NOTES** business awarded to small business micro enterprise in the month of June 2018.
7. That council **NOTES** Inventory report for June 2018.
8. That council **NOTES** Deviations report for June 2018.
9. That a report **BE BROUGHT** to the next meeting to explain whether Tshiamiso Multi Project has the same Directors as the Tshiamiso that is currently dealing with Capital projects.

13. NEW MOTIONS

None.

14. PETITIONS

None.

15. ITEMS FOR THE NEXT COUNCIL MEETING

None.

15. CLOSURE

The meeting adjourned at 10h45.

CHAIRPERSON