

**MINUTES OF THE 15<sup>TH</sup> COUNCIL MEETING WHICH WAS HELD ON THE 29<sup>TH</sup> NOVEMBER  
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 MS Magomane		
Cllr SR De Beer		
Cllr PK Mashego		
Cllr MJ Valoyi		
Cllr ST Mkansi		
Cllr TC Malatji		
Cllr VM Rapatsa		
Cllr SM Shayi		
Cllr EA Mokoena-Mashele		
Cllr R. Makasela		
Cllr ME Mokgalaka		
Cllr PS Dikgale		
Cllr DR Bayana		
Cllr A. Ngobeni		
Cllr NA Sono		
Cllr NB Maake		
Cllr SP Mashumu		
Cllr TS Ndlovu		
Cllr Z. Ndhlovu		
Cllr SK Shayi		

**B. OFFICIALS**

Mr H. Zungu	-	Acting Municipal Manager
Ms PF Nogilana-Raphela	-	Senior Manager: Corporate Services
Mr HP Maluleke	-	Senior Manager: Planning & Development
Mr NOC Mdungazi	-	Senior Manager: Technical Services
Mr. A. Ndzimande	-	Acting Chief Financial Officer
Ms MM Makhongela	-	Chief Audit Executive
Mr CJ Lourens	-	Chief Electrical Engineer
Mr TMT Sekwari	-	Manager: Risk Management
Mr SE Mthombeni	-	Acting Manager: Administration
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 the Audit Committee, Members of the Rate Payers Association and officials led by the Municipal Manager.

She declared the meeting officially opened.

- 1(A)** After the Speakers Welcoming remarks, Cllr NB Maake wanted to know on what basis this ordinary Council has been called for whereas in terms of the Rules of Orders we were supposed to hold one meeting per quarter. In response the Honourable Speaker read out the Rules of Orders what it entails why we are holding a Council meeting does not necessarily to be held once. The Rules of Orders reads as follows: *“The Council shall hold an ordinary meeting for the transaction of business **NOT LESS** than once in every three months”*.

The Speaker can call for Council meeting if she deems so fit.

## 2. SIGNING OF THE ATTENDANCE REGISTER

All members present were requested to sign the attendance register.

## 3. APPLICATIONS FOR LEAVE OF ABSENCE

### Councillors

Cllr T. Nkuna  
Cllr KP Mhlarhi  
Cllr KA Peta  
Cllr NJ Mampuru  
Cllr MMA Mathebula  
Cllr AN Mmola  
Cllr JA Williamson

### Officials

Ms MI Moakamela	-	Municipal Manager
Mr TJ Mogano	-	Chief Financial Officer
Ms L. Turbridge	-	Manager: Administration

## 4. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

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

“Honourable members, we are gathered here this morning during the time all South African are observing the 16 Days of Activism, to fight the scourge of Women and child abuse. We applaud the honourable Mayor P J Shayi for having led the Community of Ba-Phalaborwa, particularly men in the walk to end the Scourge of Women and Child Abuse which was held last Saturday of this country.

Therefore, since the Mayor has set the tone, I urge all honourable Councillors to uphold and protect the rights of our children. Children are the future of this country.

Since we are also approaching the festive season, I call upon all councillors to support all the Mayoral festive programmes. Today, the Mayor will pay a courtesy visit to Phalaborwa and Lulekani police station a quest to encourage and provide our police officers with moral support. Tomorrow, the Mayor will also visit Gravelotte and Namakgale police station. The purpose of men and women in blue uniform.

As I conclude, I would like to remind all senior managers, in particular? Technical and Community Services Department, led by Municipal Manager, Mme Maite Moakamela that essential services such as water, refuse collection, sewage and Electricity shouldn't be interrupted or compromised during the festive season”.

The Honourable Speaker reminded Councillors of the training which they need to attend at 14h00 today 29<sup>th</sup> November 2018 in the Council Chamber.

**5. STATEMENTS AND COMMUNICATIONS BY OTHER COUNCILLORS**

None.

**6. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETINGS:**

6.1 That the minutes of the 14<sup>th</sup> Council meeting held on the 31<sup>st</sup> October 2018 **BE APPROVED AND CONFIRMED** subject to the following corrections:

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- Under attendance, That Cllr B. Ramothwala be included as attended.

**7. DEPUTATIONS**

None.

**8. QUESTIONS AND ANSWERS OF WHICH NOTICE HAS BEEN GIVEN**

None.

**9. MOTIONS OR PROPOSALS REFERRED FROM PREVIOUS MEETINGS**

None.

**10. COMMENTS OF THE ACTING MUNICIPAL MANAGER**

The Acting Municipal Manager remarked that World Aids Day will be held on 4 December 2018 at Lulekani Town Hall.

**11. IMPLEMENTATION OF PREVIOUS COUNCIL RESOLUTIONS**

**RESOLUTION**

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

## **12. REPORT OF THE EXECUTIVE COMMITTEE**

### **A) RESOLUTIONS OF THE EXECUTIVE COMMITTEE ADDRESSED TO COUNCIL FOR COGNISANCE**

**(EXCO MEETING HELD ON 28<sup>TH</sup> NOVEMBER 2018)**

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#### **483/18 ASSET MANAGEMENT REPORT (CFO)**

**(7/2/1/30) (29<sup>TH</sup> NOVEMBER 2018)**

##### **RESOLUTION**

- 1 That Council **NOTE** an amount of **R15, 000.00** made for Movable Assets the month of October 2018.
- 2 That Council **NOTE** an amount of **R 950,043.53** raised for Retention on Projects (WIP) assets for the month of October 2018.
- 3 That Council **NOTE** an amount of **R4, 466,752.28** recognized for infrastructure projects Asset WIP for the month of October 2018.
- 4 That Council **NOTE** Asset depreciation of **R5, 964,270.07** for the month of October 2018.
- 5 That Council **NOTE** Asset Amortization of **R 36,540.52** for the month of October 2018.

#### **484/18 BILLING VS. COLLECTION REPORT (CFO)**

**(6/13/6) (29<sup>TH</sup> NOVEMBER 2018)**

##### **RESOLUTION**

1. That the Billing vs. Collection report **BE NOTED**.

#### **485/18 BUDGET STATEMENTS (CFO)**

**(6/1/1) (10/2/2) (29<sup>TH</sup> NOVEMBER 2018)**

##### **RESOLUTION**

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.

**486/18 COUNCILLORS ACCOUNTS (CFO)**

**(6/13/6) (29TH NOVEMBER 2018)**

**RESOLUTION**

1. That the Councilors Accounts Report for the month of October 2018 **BE NOTED.**
2. That the deduction of Councillors accounts **BE EFFECTED** by December 2018.

**487/18 CREDIT CONTROL AND DEBT MANAGEMENT REPORT (CFO)**

**(6/13/6) (29TH NOVEMBER 2018)**

**RESOLUTION**

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

**488/18 EMPLOYEE'S ACCOUNTS (CFO)**

**(6/13/6) (29TH NOVEMBER 2018)**

**RESOLUTION**

1. That the Employee Accounts Report for the month of October 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.

**489/18            FINANCIAL REPORT (CFO)**

**(10/2/2)            (29TH NOVEMBER 2018)**

**RESOLUTION**

**That the following BE NOTED:**

1. The financial report for the period ended 31 October 2018 **excluding water and waste water management.**
2. The summary of monthly budget statement report for the month ended 31 October 2018.
3. The financial performance for the month ended 31 October 2018.
4. The financial position as at 31 October 2018.
5. The total operating revenue (as per GRAP) for the month ended 31 October 2018 is R22.3 million.
6. Revenue capital contribution recognised amount to R6.2 million.
7. Operational expenditure on financial performances is R30.9 million.
8. Capital expenditure incurred during the month ended 31 October 2018 is R6.2 million.
9. Consolidated call deposit accounts held at STD Bank and ABSA closed with a balance of R38.2 million on 31 October 2018.
10. That councillors and staff benefits for October 2018 amount to R13.6 million be approved.
11. Municipal primary bank reconciliation closed with a positive balance of **R912 Thousand.**

**490/18            FLEET REPORT (CFO)**

**(8/1/2/9)            (29<sup>TH</sup> NOVEMBER 2018)**

**RESOLUTION**

**That the Fleet Report BE NOTED.**

**491/18 GRANT RECONCILIATION REPORT (CFO)**

**(10/2/2) (29TH NOVEMBER 2018)**

**RESOLUTION**

That the Grant Reconciliation Report for October 2018 **BE NOTED.**

**492/18 INVESTMENT REGISTER (CFO)**

**(6/9/1) (29TH NOVEMBER 2018)**

**RESOLUTION**

That the Investment Register for October 2018 **BE NOTED.**

**493/18 KEY ACCOUNTS (CFO)**

**(6/13/6) (29TH NOVEMBER 2018)**

**RESOLUTION**

That the Key Accounts Report for the month of October 2018 **BE NOTED.**

**494/18 METER READING PROGRESS REPORT (CFO)**

**(6/13/6) (29TH NOVEMBER 2018)**

**RESOLUTION**

That the meter reading report for the month of October 2018 **BE NOTED.**

**495/18 RETENTION REGISTER (CFO)**

**(9/3/1) (29TH NOVEMBER 2018)**

**RESOLUTION**

That the Retention Register **BE NOTED.**



496/18

**REVENUE MANAGEMENT REPORT (CFO)**

**(6/6/1/8) (29TH NOVEMBER 2018)**

**RESOLUTION**

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

497/18

**SCM REPORT (CFO)**

**(6/1/1) (10/2/2) (29TH NOVEMBER 2018)**

**RESOLUTION**

1. That council **NOTE** supply chain management report for OCTOBER 2018.
2. That council **NOTE** no tender advertised in OCTOBER 2018.
3. That council **NOTE** tender evaluated in the month of OCTOBER 2018.
4. That council **NOTE** no tenders adjudicated in the month of OCTOBER 2018.
5. That council **NOTE** tenders awarded during the month of OCTOBER 2018.
6. That council **NOTE** business awarded to small business micro enterprise in the month of OCTOBER 2018.
7. That council **NOTE** Inventory report for OCTOBER 2018.
8. That council **NOTE** no deviations recoded in OCTOBER 2018

498/18

**WATER SERVICES REPORT (CFO)**

**(17/1/1/1) (6/5/2/6) (29TH NOVEMBER 2018)**

**RESOLUTION**

1. That the report for water and sanitation for the month of October 2018 **BE NOTED**.
2. That the signed Water Services SLA between MDM and BPM **BE SUBMITTED** to the next Executive Committee.

499/18

**MONTHLY REPORT FOR OCTOBER 2018 (MM)**

**(10/2/1) (29TH NOVEMBER 2018)**

**RESOLUTION**

1. That Council **NOTE** the Monthly Report for the Office of the MM for October 2018.
2. That the Office of the Mayor and the Chief Whip **INTERACT** with the 2 (two) Councillors who has not yet submitted their disclosure of interest to Risk Management.
3. That Council **NOTES** the progress on the compliance checklist
4. That Council **NOTES** the progress on the Strategic Risk
5. That Council **NOTES** the Expenditure Report.

500/18

**BATHO-PELE REPORT FOR SEPTEMBER 2018 (MM)**

**(13/2/1/47) (29TH NOVEMBER 2018)**

**RESOLUTION**

That Council **NOTES** the September 2018 Batho-Pele Report.

**501/18            2<sup>nd</sup> ANNUAL MAYOR CHALLENGE 2019 CONCEPT DOCUMENT (MM)**  
**(12/4/1/1)      (29<sup>TH</sup> NOVEMBER 2018)**

**RESOLUTION**

That the 2<sup>nd</sup> Annual Mayor Challenge 2019 concept document **BE NOTED**.

**502/18            SECURITY REPORT FOR OCTOBER 2018 (MM)**  
**(6/14/2)          (8/2/4)            (29TH NOVEMBER 2018)**

**RESOLUTION**

That the Security Report for October 2018 **BE NOTED**.

**503/18            AC RESOLUTION REGISTER (MM)**  
**(4/9/9)            (29TH NOVEMBER 2018)**

**RESOLUTION**

1.      That Audit Committee **NOTES** progress report on implementation of Audit Committee Resolution.
2.      That Council **NOTES** 73% AC resolutions implemented and 22% not implemented.

**504/18            AC ACTION PLAN (MM)**  
**(4/9/9)            (29<sup>TH</sup> NOVEMBER 2018)**

**RESOLUTION**

1.      That Council **APPROVE** the AG Action Plan to address 2016/17 audit findings.
2.      That Council **NOTES** progress on the AG Action Plan.
3.      That Council **NOTES** 57% AG Action plan implemented and 43% not implemented.

**505/18 INTERNAL AUDIT FOLLOW-UP REPORT (MM)****(4/9/9) (29TH NOVEMBER 2018)****RESOLUTION**

The following report outlines the progress on implementation of internal audit recommendations for the month ended **31 October 2018**. The report shows progress per department and also the institutional progress report:

Department	Implemented	% Progress Implemented	Not Implemented	% Progress Not Implemented
Office of the MM	5	80%	1	20%
Budget & Treasury	34	62%	21	38%
Planning and Development	13	81%	3	19%
Corporate Services	16	64%	9	36%
Technical Services	7	46%	8	53%
Institutional Progress	<b>77</b>	<b>65%</b>	<b>42</b>	<b>35%</b>

**506/18 MONTHLY REPORT FOR OCTOBER (CORPS)****(10/2/1) (29TH NOVEMBER 2018)****RESOLUTION**

1. That the Monthly Report for Directorate Corporate Services for the month of October 2018 **BE NOTED**.
2. That the Progress on Strategic Risk Management Implementation for October 2018 **BE NOTED**.
3. That the Corporate Services Civil & Labour Cases Register for October 2018 **BE NOTED**.
4. That the Occupational Health & Safety Report for October 2018 **BE NOTED**.

5. That the Appointments for October 2018 **BE NOTED**.
6. That the Vacancy Rate for October 2018 **BE NOTED**.
7. That the Leave Report for October 2018 **BE NOTED**.
8. That the Overtime report for October 2018 **BE NOTED**.
9. That a full report **BE PROVIDED** on employees who have been paid over R10 000 on overtime with reasons that led into that effect.
10. That the IT Progress Report for October 2018 **BE NOTED**.
11. That the IT Risk Register **BE NOTED**.
12. That the ICT AG Action Plan report **BE NOTED**.
13. That the MSCOA Risk Register **BE NOTED**.
14. That the ICT Strategic Risk report **BE NOTED**.
15. That the Expenditure Report for October 2018 **BE NOTED**.
16. That the Compliance Checklist for October 2018 **BE NOTED**.
17. That the Worksheet for implementation of Council Resolutions for October 2018 **BE NOTED**.

**507/18**

**CODE OF CONDUCT FOR EMPLOYEES (CORPS)**

**(1/2/5/91) (29<sup>TH</sup> NOVEMBER 2018)**

**RESOLUTION**

1. That the Code of Conduct for Employees **BE NOTED**.
2. That the Code of Conduct for Employees **BE APPROVED**.

**508/18                    REVIEW OF THE STAFF RECRUITMENT AND RETENTION STRATEGY (CORPS)**  
**(1/2/5/54)        (29<sup>TH</sup> NOVEMBER 2018)**

**RESOLUTION**

1. That Council **NOTE** the Staff Recruitment and retention strategy.
2. That Council **APPROVE** the staff recruitment and retention strategy.

**509/18                    REVIEW OF THE STAFF PROVISIONING POLICY (CORPS)**  
**(1/2/5/62)        (29<sup>TH</sup> NOVEMBER 2018)**

**RESOLUTION**

1. That Council **NOTES** the Staff Provisioning policy.
2. That Council **APPROVE** the Staff Provisioning policy.

**510/18                    FILLING OF THE POSITION OF ICT STEERING COMMITTEE CHAIRPERSON**  
**(CORPS)**  
**(4/9/9)            (5/3/5/1)        (5/3/5/2)        (29<sup>TH</sup> NOVEMBER 2018)**

**RESOLUTION**

1. That **COGNIZANCE BE TAKEN** of the death of Mr. HG Hlomane.
2. That Council **APPROVES** advertisement and the filling of the vacant post of the ICT Steering Committee Chairperson.

**511/18                    MONTHLY REPORT FOR OCTOBER 2018 (TS)**  
**(10/2/1)            (29<sup>TH</sup> NOVEMBER 2018)**

**RESOLUTION**

1. That the implementation of the DTS Performance Report for October 2018 **BE NOTED.**
2. That the MIG Expenditure **BE NOTED.**
3. That the compliance Check List **BE NOTED.**
4. That the Integrated National Electrification programme **BE NOTED.**

5. That the stakeholders report **BE NOTED.**
6. That Technical Services **PUT A PLAN IN PLACE** to deal with the water issue in Ward 7.
7. That the relationship between BPM and MDM on Senior Level (Technical Services) **BE IMPROVED.**

**512/18**

**MONTHLY REPORT FOR OCTOBER 2018 (CSS)**

**(10/2/1) (29TH NOVEMBER 2018)**

**RESOLUTION**

1. THAT the Monthly Report for Community and Social Services for October 2018 **BE NOTED.**
2. THAT the Monthly Report for the Testing Section (Licensing) for October 2018 **BE NOTED.**
3. THAT the Monthly Report for the Registration Authority **BE NOTED.**
4. THAT the Statistics for Traffic fines for October 2018 **BE NOTED.**
5. THAT the Traffic Roadblock Special Operation Report for October 2018 **BE NOTED.**
6. THAT the Traffic Special Operation Programme to be implemented in November 2018 **BE NOTED.**
7. THAT the Road marking report for October 2018 **BE NOTED.**
8. THAT the Illegal Dumping Report for October 2018 **BE NOTED.**
9. THAT the Ba-Phalaborwa Local Municipality Landfill Site Monthly and Operational report for October 2018 **BE NOTED.**
10. THAT the report on the Status of Refuse Removal Vehicles for November 2018 **BE NOTED.**
11. THAT the up keeping of Parks and Open spaces plan for November 2018 **BE NOTED.**
12. THAT the Maintenance and Mowing report for Developed Parks, Open spaces mowing roster for October 2018 **BE NOTED.**

13. THAT the Operators monthly programme for November 2018 from Parks and Cemeteries **BE NOTED.**
14. THAT the Cemeteries maintenance plan for October 2018 **BE NOTED.**
15. THAT the report on the Status of Parks and Cemeteries tractors for October 2018 **BE NOTED.**
16. THAT the Monthly Burial Report for October 2018 **BE NOTED.**
17. THAT the Tribal Cemeteries Burial Statistics for October 2018 **BE NOTED.**
18. THAT the Consolidated Library Services report for October 2018 **BE NOTED.**

**513/18                      PROGRESS REPORT ON DEA AND ENVIRO MOBI (CSS)**

**(17/5/3)                      (28<sup>TH</sup> NOVEMBER 2018)**

**RESOLUTION**

**That the item BE REFERRED BACK AND SUBMITTED to the next Executive Committee meeting.**

**514/18                      MONTHLY REPORT FOR OCTOBER 2018 (P&D)**

**(10/2/1)                      (29TH NOVEMBER 2018)**

**RESOLUTION**

1. That Council **NOTES** the Department of Planning and Development September 2018 monthly report.
2. That Council **NOTES** progress on the Strategic Risk Register.
3. That Council **NOTES** the Planning and Development Expenditure report for September 2018.
4. That Council **NOTES** the Planning and Development Compliance Checklist for September 2018.



**515/18            1<sup>ST</sup> QUARTER PERFORMANCE REPORT (P&D)**

**(5/8/1)            (29<sup>TH</sup> NOVEMBER 2018)**

**RESOLUTION**

1. That Council **NOTES** the First Quarter Performance Assessment Report for the period 1<sup>st</sup> July to 30<sup>th</sup> September 2018.

**516/18            1<sup>ST</sup> QUARTER SLP REPORT (P&D)**

**(18/13/1)        (20/2/1)        (29<sup>TH</sup> NOVEMBER 2018)**

**RESOLUTION**

1. That Council **NOTES** the 2018/19 1<sup>st</sup> Quarter SLP report.
2. That the report be read in line with Annexure A (Foskor quarter SLP report)
3. That Council **NOTES** EXXARO Magvanti Mine' draft Social and Labour Plans has been amended.
4. That Council **NOTES** that a monitoring and evaluation template is developed and should use as tool to report on quarterly basis to track progress from responsible Directorates/Units.
5. That Council **NOTES** that consultations for the new cycle of Social and Labour Plans is underway.
6. That projects identified and concluded by PMC **BE INCLUDED.**
7. That EXXARO Magvanti Mine's- and Stibbium mines projects **BE ATTACHED** to the SLP report.

**517/18            PHALGROW MUNICIPAL ENTITY REPORT (P&D)**

**(13/2/3/3)        (29<sup>TH</sup> NOVEMBER 2018)**

**RESOLUTION**

**That the report BE REFERRED BACK.**

518/18            LAND USE QUARTERLY REPORT (P&D)  
(4/9/21)            (29<sup>TH</sup> NOVEMBER 2018)

**RESOLUTION**

That Council **NOTE** the content of the report.

**13.    NEW MOTIONS**

None.

**14.    PETITIONS**

None.

**15.    ITEMS FOR THE NEXT COUNCIL MEETING**

None.

**16.    ANNOUNCEMENTS**

The Honourable Speaker requested Councillors to study the Rules of Orders (specifically Rule No. 9 on page 19).

**16.    CLOSURE**

The meeting adjourned at 11h30.

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CHAIRPERSON