

**MINUTES OF A SPECIAL COUNCIL MEETING OF THE BA-PHALABORWA MUNICIPALITY WHICH WAS HELD ON THE 31<sup>TH</sup> AUGUST 2022 AT 15H00**

**ATTENDANCE**

**A. COUNCILLORS**

Cllr NO Mabunda	-	Speaker
Cllr MM Malatji	-	Mayor
Cllr DM Rapatsa	-	Chief Whip
Cllr T. Nkuna		
Cllr DR Bayana		
Cllr VM Rapatsa		
Cllr SP Mashumu		
Cllr SR de Beer		
Cllr NJ Mampuru		
Cllr MM Malesa		
Cllr MA Mononela		
Cllr MP Mailula		
Cllr MF Sekoele		
Cllr J. Sindane		
Cllr JC Mokungwe		
Cllr TB Shai		
Cllr TC Malobane		
Cllr B. Ramothwala		
Cllr MH Sekatane		
Cllr NL Rihlampfu		
Cllr EA Mokoena-Mashele		
Cllr ME Mokgalaka		
Cllr EF Nyathi		
Cllr MP Mukhari		
Cllr MMA Mathebula		
Cllr HS Booysen		
Cllr SS Mathebula		

**B. OFFICIALS**

Dr KKL Pilusa	-	Acting Municipal Manager
Mr MP Baloyi	-	Senior Manager: Technical Services
Ms L Shayi	-	Acting Senior Manager: Community & Social Services
Mr D Maake	-	Senior Manager: Planning & Development
Mr W Selepe	-	Acting Chief Financial Officer.
Ms MM Makhongela	-	Chief Audit Executive
Ms L. Turbridge	-	Manager: Admin & Council Support
Ms LP Khoza	-	Senior MPAC Researcher
Mr SE Mthombeni	-	Snr. Admin Officer (Committees)
Ms MV Mohlala	-	Scribe

N.O.M

Ms MM Mahlo - Scribe

### 1. OPENING AND WELCOME

The Honourable Speaker Cllr NO Mabunda requested Cllr T. Nkuna to open the meeting with a prayer. The Speaker apologised for the short notice of the meeting.

### 2. SIGNING OF THE ATTENDANCE REGISTER

All members present to the meeting signed the attendance register.

### 3. APPLICATION FOR LEAVE OF ABSENCE

#### Councillors

Cllr R Makasela  
Cllr LM Matlala  
Cllr TC Malatji  
Cllr SL Mohlala  
Cllr NT Ntimane  
Cllr R Rakoma  
Cllr GM Van Niekerk

#### Officials

Ms JJ Visser

### 4. STATEMENTS AND COMMUNICATION BY THE SPEAKER

None

### 5. NEW MATTERS.

422/22 MPAC REPORT ON INVESTIGATION OF UIFWE

(4/9/24) (31 AUGUST 2022)

#### **RESOLUTION**

1. Council **NOTE** the Investigation made by MPAC on unauthorised expenditure.

NO.M

2. That Council **NOTE** that the root causes for unauthorized expenditure was due to overspending on municipal budget and under budgeting on non-cash items.
3. Council **APPROVE** write-off of unauthorised expenditure of **R110 104 739**.
4. Council **NOTE** the Investigation made by MPAC on fruitless and wasteful expenditure.
5. That Council **NOTE** that the expenditure was due to late payment of SARS by service provider
6. Council **APPROVE** that the expenditure be recovered from the service provider to the value of **R28 293.26 and R1649.50**
7. That Council **APPROVE** write-off of Telkom interest of **R21.04**
8. Council **NOTE** the Investigation made by MPAC on Irregular Expenditure
9. That irregular expenditure to the value of **R 1 493 916. 92** for Infra project and Uranus cannot be written off as the matter is still investigated by the hawks.
10. That the Accounting Officer institute process to recover money from officials where there is transgression of the law;
11. The municipality to adhere to the SCM policy, regulations and processes;
12. That consequence management be implemented on non-compliance
13. That monitoring and evaluation be strengthened;
14. That contract management be strengthened.
15. That Council **APPROVE** the write-off of the following irregular expenditure to the value of **R41 161 310.75**

Service Provider	Amount	Recommendations
Baatshuma	R11 809 877.71	✓ Non-compliance by relevant official be referred to the Financial Misconduct Board for Consequence management
Charlim Consulting	R740 500.00	✓ Non-compliance by relevant official be referred to the Financial Misconduct Board for Consequence management
A-Team Security	R17 546 210.27	✓ Council procure vetting system

N.O.M

Phalaborwa Herald	R623 280.38	✓ Non-compliance by relevant official be referred to the Financial Misconduct Board for Consequence management
Media 24	R20 488.40	✓ Non-compliance by relevant official be referred to the Financial Misconduct Board for Consequence management
Gumela	R1 985 187.50	✓ Non-compliance by relevant official be referred to the Financial Misconduct Board for Consequence management
Zevofusion	R1 573 499.72	✓ Non-compliance by relevant official be referred to the Financial Misconduct Board for Consequence management
Jusben	R2 590 525.96	✓ Non-compliance by relevant official be referred to the Financial Misconduct Board for Consequence management
Morcar	R193 546.00	✓ Non-compliance by the Councillor be referred to the Ethics Committee in the Speakers Office
MLO Investments	R3 733 154.81	✓ Non-compliance by relevant official be referred to the Financial Misconduct Board for Consequence management
Motopiwa	R147 990.00	✓ Non-compliance by relevant official be referred to the Financial Misconduct Board for Consequence management
Hlapi	R197 050.00	✓ Non-compliance by relevant official be referred to the Financial Misconduct Board for Consequence management
	<b>R41 161 310.75</b>	

N.D.M

**423/22 ACTING APPOINTMENT FOR THE POSITION OF SENIOR MANAGER:  
CORPORATE SERVICES (DCORS)**

(5/3/5/2) (31 AUGUST 2022)

**RESOLUTIONS**

1. That Council **NOTES** that the position of the Senior Manager: Corporate Services is vacant from the 1<sup>st</sup> September 2022.
2. That Council **NOTES** the responsibilities that lies with the position and the lengthy recruitment process which is in progress.
3. That Council **NOTES** the decision taken as per Council Resolution no. 370/22, of the 27<sup>th</sup> July 2022 to advertise the position of a Senior Manager: Corporate Services.
4. That Council **NOTES** the need to appoint an acting incumbent as the Senior Manager: Corporate Services or appoint any person on acting capacity for a period not exceeding three months.
5. That Council **NOTES** that the appointment in respect of Mr Mashale TS or appointment of a person should be effective from the 1<sup>st</sup> September 2022 until the 30<sup>th</sup> November 2022 or pending the appointment of the Senior Manager: Corporate Services (whichever comes first).
6. That Council **APPROVE** the appointment in respect of Mr. Mashale TS as the Senior Manager: Corporate Services or appoint a person on acting capacity as the Senior Manager: Corporate Services for a period not exceeding three months effective from the 1<sup>st</sup> September 2022 until the 30<sup>th</sup> November 2022 **or** pending the finalization of the recruitment process (whichever comes first).

**6. ANNOUNCEMENTS**

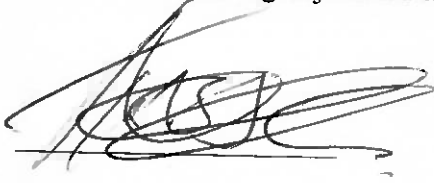
That the Special Exco and Special Council scheduled for 1 September 2022 has been called.

**7. CLOSURE**

Cllr VM Rapatsa closed the meeting with prayer.

*N.O.M*

The meeting adjourned at 15h55.

A handwritten signature in black ink, appearing to be 'A. J. S.', written over a horizontal line.

**CHAIRPERSON**