

**MINUTES OF THE SPECIAL COUNCIL MEETING WHICH WAS HELD ON THE 17TH JANUARY 2019 IN
THE COUNCIL CHAMBER AT 12H00**

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 MS Magomane		
Cllr AN Mmola		
Cllr SR de Beer		
Cllr PK Mashego		
Cllr LM Matlala		
Cllr MJ Valoyi		
Cllr KA Peta		
Cllr TC Malatji		
Cllr VM Rapatsa		
Cllr SM Shayi		
Cllr KP Mhlarhi		
Cllr EA Mokoena-Mashele		
Cllr R. Makasela		
Cllr ME Mokgalaka		
Cllr PS Dikgale		
Cllr DR Bayana		
Cllr A. Ngobeni		
Cllr MMA Mathebula		
Cllr KO Pilusa		
Cllr NA Sono		
Cllr GH Lamola		
Cllr NB Maake		
Cllr SP Mashumu		
Cllr TS Ndhlovu		
Cllr Z. Ndhlovu		
Cllr B. Ramothwala		
Cllr SK Shayi		

B. OFFICIALS

Mr H. Zungu	-	Acting Municipal Manager
Ms PF Nogilana-Raphela	-	Senior Manager: Corporate Services

Mr NOC Mdungazi	-	Senior Manager: Technical Services
Mr HP Maluleke	-	Senior Manager: Planning & Development
Mr A. Ndzimande	-	Acting Chief Financial Officer
Mr CJ Lourens	-	Chief Electrical Engineer
Ms MM Makhongela	-	Chief Audit Executive
Mr KKL Pilusa	-	Manager: Office of the MM
Mr TMT Sekwari	-	Manager: Risk Management
Mr JN Mahesu	-	Manager: Communications
Mr SE Mthombeni	-	Acting Manager: Admin
Ms JJ Visser	-	Scribe

1. OPENING & WELCOME

The Honourable Speaker Councillor MM Malatji welcomed the Honourable Mayor Councillor PJ Shayi, Chief Whip, Executive Members, Proportional Councillors and Senior Managers led by the Acting Municipal Manager Mr H. Zungu.

A moment of silence has been held for 2 Ward Councillors (Wards 6 & 9) who has passed on.

The Honourable Speaker declared the meeting officially opened.

2. SIGNING OF THE ATTENDANCE REGISTER

All members present to the meeting signed the attendance register.

3. APPLICATION FOR LEAVE OF ABSENCE

COUNCILLORS

Cllr NJ Mampuru
Cllr TS Mkansi
Cllr JA Williamson

OFFICIALS

Ms MI Moakamela	-	Municipal Manager
Mr TS Mashale	-	Manager (Legal)
Ms L. Turbridge	-	Manager (Admin)
Mr TJ Mogano	-	Chief Financial Officer

4. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

The Speaker remarks as follows:

“I want to take this opportunity to welcome you all back to work, wishing everyone a Happy New Year. We have an exciting year ahead of us and we are pleased to have each one of you participating in it.

Once again, I want to congratulate the class of 2018, on their matric results. They have made Ba-Phalaborwa proud. Let’s give them a big round of applause.

I also like to extend my heartfelt gratitude and many thanks to our employees who were on duty during the festive season, especially, employees from Technical, Disaster and Community Services department. They have displayed a huge commitment and Batho Pele principle during the holiday season to ensure that our people receive essential services such as water, sewage, refuse collection and electricity etc.

We are also calling upon our honourable Councillors to support and disseminate information to our local soccer teams about the 2019 Mayoral Soccer Challenge. We are calling all local teams from all 19 wards to come and collect forms for registrations. Forms can be collected at the reception and the closing date is 25 January 2019. We want to see all local teams participating in this second edition of 2019 Mayoral Soccer Challenge.

I also like to announce that, the much anticipated 2019 Marula Festival will be launch tomorrow night in Lephalala, which will be followed by a series Marula festivities in the next two months. Therefore, we are appealing to all Councillors and Officials to be readily available to support the festival, as our Municipality is the permanent host of this festival.

Again, we welcome you back to work! We thank you for your continued enthusiasm and positive work efforts as we look forward to another successful year”.

5. NEW MATTERS

1/19 EXTENSION OF THE SERVICE LEVEL AGREEMENT WITH CIGICELL (CFO)

(9/4/3/60) (17TH JANUARY 2019)

RESOLUTION

1. That Council **NOTE** the reports on the Cigicell for development of the third party prepaid electricity distribution vending network.

2. That Council **NOTE** the expiry of the service level agreement between Ba-Phalaborwa Local Municipality and Cigicell.
3. That the SLA between Cigicell and BPM **BE EXTENDED** on a 3 (three) month basis until Supply Chain Management issues has been sorted.
4. That a report on why the contract has lapsed for 6 months **BE SUBMITTED** to the next Executive Committee meeting.
5. That Legal **ADVISE** on the legality of the contract.

2/19 SETTLEMENT ACCOUNT – SEFAPANE LODGE (CFO)

(6/13/6) (17TH JANUARY 2019)

RESOLUTION

1. That council **NOTE** the customer's request to pay R 500000 and the settlement discount amounting to R 255065.56.
2. That council **APPROVE** the customer's request to pay R 500000 and the settlement discount amounting to R 255065.56
3. That the **OBJECTION** of Cllr NB Maake **BE NOTED**.

3/19 ADJUSTMENT OF ANNUAL FINANCIAL STATEMENTS (CFO)

(6/15/1/2/2) (17TH JANUARY 2019)

RESOLUTION

1. That council **NOTE** the reports on the adjustments of Annual financial statement.
2. That the council note the request of Auditor General to bring back the land that was removed from the Annual Financial Statements.
3. That Council **NOTE** the assisted and intervention by Provincial and National Treasury and Reliable Chartered Accountants.

4. The council **NOTE** the improvement from the Draft Audit report with the disclaimer audit opinion and Thirty Three (33) to final Audit report with Qualified Audit Opinion with six (6) paragraphs.
5. That council **APPROVE** the payments of R 1,150,071 BE PAID TO Reliable Chartered accountants for intervention, Audit Support and Adjustment of Annual Financial statements.

4/19 REPORT ON STANDING TIME FOR TAMBO UPGRADING OF STREETS FROM GRAVEL TO TAR PHASE 2 (TS)

(9/4/3/62) (17TH JANUARY 2019)

RESOLUTION

1. That Council **NOTES** the submission of the claim for standing time and allow for budgeting to pay R2 723 400.00 all-inclusive of the standing time.
2. That Council **APPROVE** payment of standing time with payment only being done after budgeting for in the next financial year.
3. That the report **BE SUBMITTED** to Legal Division for a legal opinion.
4. That the report **BE SUBMITTED** to MPAC for **PROBING**.

5/19 MIG IMPLEMENTATION ANALYSIS REPORT (TS)

(6/1/3) (17TH JANUARY 2019)

RESOLUTION

1. That Council **NOTES** of the contents of this report.
2. That Council **NOTES** the **CONDITION OF APPROVAL ADDITIONAL** funding for Tambo upgrading of Internal Streets Phase 2.
3. That Council **APPROVES** the allocation of **R 1 569 721.18 (including VAT)** to co-fund the project, **with** MPAC **PROBING** the expenditure.
4. That Council **NOTES** the **STANDING TIME CLAIM** submitted by **TSHIAMISO TRADING 135** on the 25th of October 2018 Tambo upgrading of Internal Streets Phase 2.

5. That Council **NOTES** the **CONCERN ON OVER PRICED BILL OF QUANTITIES** that **TSHIAMISO TRADING 135** was appointed for Tambo upgrading of Internal Streets Phase 2, which will lead to **OVER EXPENDITURE**.
6. That Council **NOTES** that the **DELAYS** experienced with the **CONCLUSION OF POOL OF CONSULTANTS** has subsequently delayed the appointment of a consultant to commence with the design stage for the **REFURBISHMENT OF NAMAKGALE STADIUM**.

6/19 FILLING OF VACANCY IN THE EXECUTIVE COMMITTEE (MM)

(3/6) (17TH JANUARY 2019)

RESOLUTION

1. That a member of the Council **BE ELECTED** to serve on the Executive Committee in the vacancy that occurred as a result of the resignation of Cllr AN Mmola.
2. That Council **NOTES** that the filling of a vacancy is subject to Section 43 of the Municipal Structures Act.
3. **That it BE NOTED that Cllr SP Mashumu, from the Economic Freedom Fighters HAS BEEN NOMINATED AND APPOINTED as the newly elected Executive Committee member.**

7/19 DETERMINATION OF UPPER LIMITS FOR COUNCILLORS OF SALARIES, ALLOWANCES AND BENEFITS (CORPS)

(6/12/1/3) (17TH JANUARY 2019)

RESOLUTION

1. **THAT** Council **NOTES** the content of the Government Gazette No. 42134 of the 21st December 2018.
2. **THAT** Council **NOTES** the determination of the upper limits of the salaries, allowances and benefits of the different members of municipal council as set out by the Minister for Cooperative Governance and Traditional Affairs in terms of the Remuneration of Public Office-bearers Act, Act No. 20 of 1998.
3. **THAT** **NOTES** that the current municipal grading is level 3.

4. **THAT** Council **APPROVE** the implementation of the increased payment of upper limits for Councillors remuneration for the 2018/19 financial year retrospective from July 2018.
5. THAT Council **NOTES** the total budget required for implementation of the upper limits.
6. THAT council **IMPLEMENT** the payment of upper limits after consultation and the concurrence by the Minister of Cooperative Governance and Traditional Affairs.
7. THAT council **APPROVES** the sitting allowance of **R1060.80** per sitting for the attendance of formal intergovernmental and governance structures where organised local government is official represented.
8. **THAT** Council **NOTES** that the cell-phone allowance remains at **R3400.00**.
9. **THAT** Council **NOTES** that the upper limits for mobile data remains at **R300**.
10. **THAT** Council **NOTES** that provision of an alternative affordable accommodation should be made available in case a councillor loses his/her property and assets due to riot, strike and or disorder for a period of thirty (30) days and may be reviewed for an extended period of not more than thirty (30) days.
11. **THAT** a Council may extend the tools of trade to a councillor in terms of clause 15 of the government gazette taking into account accessibility, affordability, equity, flexibility, transparency, accountability and value of tools of trade.
12. That Council **CONTEST** the grading of Ba-Phalaborwa Municipality as grade 3.
13. That a case **BE PREPARED**, signed by the Mayor and **BE SEND** to the MEC and Minister for Co-operative Governance and Traditional Affairs.
14. That Administration **VERIFY** the Cell-phone allowance allocated to Councillors.

6. ANNOUNCEMENTS

The Communication Manager announced that refuse removal in the rural areas from now on will be removed on a fourth night basis.

7. CLOSURE

The meeting adjourned at 12h55.

CHAIRPERSON