

STEVE TSHWETE LOCAL MUNICIPALITY

MINUTES

OF THE

SPECIAL COUNCIL

MEETING HELD ON

30 August 2022

11:00 am



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MINUTES OF THE SPECIAL COUNCIL MEETING HELD VIA
VIRTUAL CONNECTION ON
TUESDAY, 30 AUGUST 2022 AT 11:00

PRESENT

Cllr PM Masilela (Executive Mayor)	Cllr H F Niemann
Cllr TR Mpye	Ald JP Pretorius
Cllr CS Mashiloane	Cllr LS Qoka
Cllr BC Shabangu	Cllr GHE Romijn
Cllr MJ Sekgwele	Cllr CM Soko
Cllr GNB Mathibela	Cllr A Struwig
Cllr MG Maseko	Cllr DA Stuurman
Cllr Cllr LE Nkwana	Cllr AO Thabatha
Cllr MC Mphego	Cllr DJ van der Merwe
Cllr I Mahlangu	Cllr S Wait
Cllr PV Malinga	Cllr N Bottoman
Cllr ME Nyambi	Cllr A Chego
Cllr W MM Phetla	Cllr OA Cossa
Cllr LN Sibanda	Cllr EP Mahlangu
Cllr JF Sithole	Cllr P Malinga
Cllr ML Shabangu	Cllr MJ Mapheto
Cllr JM Shongwe	Cllr JN Mthombeni
Cllr J Skosana	Cllr ZJ Ngubeni
Cllr PE Williams	Cllr NT Tshoane
Cllr LJM Zondo	Cllr ST Mathunyane
Cllr SW Zulu	Cllr BC Mashabela
Cllr E M Bruiners	Cllr MP Mogola
Cllr HG de Klerk	Cllr NZO Motla
Cllr J Dyason	Cllr BH Mokoena
Cllr AS Grobler	Cllr H Pilodia
Cllr DD Klopper	Cllr J Segage
Cllr P Mobango	Cllr JC Haarhoff
Cllr SM Mogola	Cllr J Mentz
	Cllr CJ Wolmarans

ABSENT

Cllr MG Amigo

T.R.

OFFICIALS

Ms T Zulu	(Acting Municipal Manager)
Mr M Mogofe	(Executive Director: Financial Services)
Mr M Khumalo	(Executive Director: Corporate Services)
Ms R Makgata	(Executive Director: Infrastructure Services)
Mr M Masilela	(Director: Governance and Council Support)
Mr M Mahamba	(Director: Town Planning and Human Settlement)
Ms S Malepane	(Acting Chief Information Officer)
Mr N Tjia	(Chief Risk Officer)
Mr L Dolo	(Chief Audit Executive)

1 OPENING

1.1 The Speaker welcomed all present and declared the meeting opened.

2. APPLICATIONS FOR LEAVE OF ABSENCE

2.1 Application for leave of absence in terms of Section 13 (1) of the Rules of Order

None

2.2 Application for leave of absence in terms of Section 13 (2) of the Rules of Order

None

3. DISCLOSURE OF INTEREST

None

4. REPORT OF THE MUNICIPAL MANAGER

T-R

**REPORT OF THE SPECIAL MEETING OF THE MAYORAL COMMITTEE MEETING
WHICH WAS HELD VIA VIRTUAL CONNECTION ON FRIDAY, 26 AUGUST 2022**

NON DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT the report by the Executive Mayor in respect of items C02; C03; C04; C05; C06, C07; C09 & C10/08/2022, be considered.

C02/08/2022

**FINANCES: SUPPLY CHAIN MANAGEMENT: MONTHLY REPORT SECTION 36
REPORT FOR JUNE 2022**

9/2/2 (L)

With the consideration of this matter Cllr ZJ Ngubeni submitted the following proposal which was seconded by Cllr JN Mthombeni :

"The EFF would to put a proposal on Item C02/08/2022 that:

1. *Three quotations be attached in the report.*
2. *The news paper where the advertisement were done be attached as annexures.*
3. *For how long was the advert*

And clarity be given to council in terms of the difference in quotes or tender"

Cllr H de Klerk then submitted the following counter proposal which was seconded by Cllr P Mobango:

" That the item be approved, and that at the next Ordinary meeting all requested documentation be submitted at the next Ordinary meeting, that the quotations be submitted and whether or not it was put on quotation or tendering be clarified in a detailed report "

The proposal by Cllr ZJ Ngubeni and Cllr H de Klerk were put to vote and the results were as follows:

In favour of the proposal by Cllr ZJ Ngubeni	=	9
Against the proposal by Cllr ZJ Ngubeni	=	40
Abstain	=	7

T-R

In favour of the proposal by Cllr H de Klerk	=	40
Against the proposal by Cllr H de Klerk	=	9
Abstain	=	7

The proposal by Cllr ZJ Ngubeni was therefore not accepted.

The additional recommendation by Cllr H de Klerk was therefore accepted.

RESOLVED BY COUNCIL

1. **THAT** the Council take note of the Section 36 Deviation report for June 2022.
2. **THAT** the item be approved, and that at the next Ordinary meeting all requested documentation be submitted at the next Ordinary meeting, that the quotations be submitted and whether or not it was put on quotation or tendering be clarified in a detailed report.

C03/08/2022

FINANCES: SUPPLY CHAIN MANAGEMENT: MONTHLY REPORT SECTION 36 REPORT FOR JULY 2022

9/2/2 (L)

With the consideration of this matter Cllr ZJ Ngubeni submitted the following proposal which was seconded by Cllr M Mapheto :


"The EFF would like to put a proposal on Item C03/08/2022 that:

- *A detailed report be furnished to the council, be referred back.*
- *With all annexures as per the rules of order 84.a,b.*

I so request"

Following the deliberations on the matter by other Councillors, the Executive Mayor during his clarification informed Cllr ZJ Ngubeni that the requested documentation can be submitted at a forthcoming Council meeting.

In view of the fact that there was an agreement between the Executive Mayor and Cllr ZJ Ngubeni on the commitment made by the Executive Mayor, and that there were no other proposals received, the proposal by Cllr ZJ Ngubeni was therefore withdrawn.



RESOLVED BY COUNCIL

1. THAT the Council take note of the Section 36 Deviation report for July 2022.
2. THAT the report with the requested annexures be submitted at a forthcoming Council meeting.

C04/08/2022
REPORT ON UNFORESEEN AND UNAVOIDABLE EXPENDITURE - PROCUREMENT
OF THE SPECIALISED SECURITY SERVICES
 9/2/2 (L)

With the consideration of this matter Cllr ZJ Ngubeni submitted the following proposal which was seconded by Cllr JN Mthombeni :

"The EFF would to put a proposal on Item C04/08/2022 to be referred back and note that:

1. *Furnish the council with all the necessary document pertaining the following*
 - (i) *Proof of three quotations be attached as annexures*
 - (ii) *The paper that the advert was advertised on and the dates reflecting*
 - (iii) *Vetting certificates of the fire arms and vehicles of the company*
 - (iv) *Clarity on the exact allocation of the clarification wheather its a quotation or tender.*
 - (v) *The service level agreement signed by who?"*

Cllr M Bruiners submitted the following counter proposal which was seconded by Cllr DA Stuurman:

" That the item be approved and that the detailed report regarding the urgent upgrade of the security that will be tabled at the next council meeting. The report that will be tabled should also consist of the following: How many security guards were hired, which buildings of our institution were guarded, How many personal properties and employees were guarded for a 24 hour period, and the duration of the urgent upgrade of the security contract."

The proposal by Cllr ZJ Ngubeni and Cllr M Bruiners were put to vote and the results were as follows:

In favour of the proposal by Cllr ZJ Ngubeni	=	15
Against the proposal by Cllr ZJ Ngubeni	=	40
Abstain	=	0
In favour of the proposal by Cllr M Bruiners	=	40

T.R

Against the proposal by Cllr M Bruiners	=	14
Abstain	=	1

The proposal by Cllr ZJ Ngubeni was therefore not accepted.

The proposal by Cllr M Bruiners was therefore accepted.

RESOLVED BY COUNCIL

1. **THAT** Council take note of the deviation approved by the accounting officer in this regard.
2. **THAT** the Mayor approve the unforeseen and unavoidable expenditure of R1 162 500,00 per month effective from 30 May 2022 for the procurement of the PPP Protection and Security Services with related forthcoming further expenditure until the procurement process of the said service on as and when basis is finalized.
3. **THAT** the special adjustment budget be passed within 60 days of incurring the expenditure in line with Section 29 (3) of the Municipal Finance Management Act.
4. **THAT** Council re-look the security issue and approve the establishment of another security layer.
5. **THAT** this report be submitted to the next Council Meeting for approval in terms of Section 29 (1) (c) of the Municipal Finance Management Act.
6. **THAT** the item be approved and that the detailed report regarding the urgent upgrade of the security that will be tabled at the next council meeting. The report that will be tabled should also consist of the following: How many security guards were hired, which buildings of our institution were guarded, How many personal properties and employees were guarded for a 24 hour period, and the duration of the urgent upgrade of the security contract.

C05/08/2022

RISK MANAGEMENT REPORT IN RELATION TO THE EMPLOYEE STRIKE/ UNREST

9/2/2 (L)

With the consideration of this matter, lengthy discussions were held and subsequent to the discussions three proposals were submitted as follows:

T.R

1. Proposal by Cllr DD Klopper which was seconded by Cllr J Dyason

"That amendment to point 1, 2, 12, 16, 18, 20, 35 as per attached annexure.

That additional points be added 38, 39, 40, 41 as per annexure that is attached

Correction on page 14 to read 17th of September 2021 not 2022

Annexure for a proposal for amendment of the Executive order in terms of section 24(b) of the rules of order

1. *THAT a dispute resolution forum be established with representation from the Premier's Office, District, Cogta and the National Leadership of respective recognised unions with clear terms of reference. (Within 7 days)*
2. *THAT contingency plans should be put in place to allow the basic functions to still take place through working smarter and creating a safe working environment. (Clarify and amend the following. What does this mean? What contingency plans are being referred to in specific?)*
12. *THAT the essential services policy be developed and finalised. (Should be read with: THAT essential services that are prohibited from striking, should face consequences should they be found that they are in contravention of their contractual agreement.)*
16. *THAT the employer creates a conducive environment for no striking employees to report acts of intimidation. (To be read with: On returning to work all employees be interviewed individually to recount their abuse or non-abuse to separate who was forcibly unable to work and at the same time identify transgressors.)*
18. *THAT Employees working strike be accompanied by security or South African Police Services to safeguard municipal assets and protect lives. (Should read employees working THROUGH the strike). "As it stands it does not make sense"*
20. *THAT Security Management consider reviewing and strengthening access control to municipal offices (should read that security management MUST review and strengthening access to control to municipal offices).*
35. *THAT employees be made aware of good conduct during strike. Their strike should not infringe on the rights of other employees (should read: Be made aware of good conduct during a legal strike. Their strike should not infringe on the rights of other employees and the rights of the community)*

T.R.

ADDED POINTS SHOULD READ AS FOLLOWS:

38. **THAT external refuse removal company be sourced for refuse removal and considered for either permanent or temporary based on labour force willingness to return to work**
39. **THAT municipality get permission for extension of expired vehicle licenses as businesses are unable to renew motor vehicle license.**
40. **THAT all residents accounts billed for refuse removal from September 2011 to present should be reviewed and credited accordingly.**
41. **THAT Administration, executive directors, managers, and whom ever is able to work from home be granted to do so in the event of a strike."**

2. Proposal by Cllr TN Tshoane which was seconded by Cllr M Mapheto

Cllr TN Tshoane opposed the proposal by Cllr DD Klopper as follows:

"I, Cllr TN Tshoane hereby put a Counter proposal from Cllr Klopper.

On item 16, the said Cllr proposes that returning workers be interviewed individually.

We as the EFF we propose this oppose this on the basis that it has the potential to incite violence against workers."

3. Proposal by Cllr BH Mokoena which was seconded by Cllr J Segage

"I Councillor Ben H. Mokoena propose that item item C05/08/2022 be referred back to the next Council meeting."

Following the above-mentioned proposals and further deliberations on the matter, the Executive Mayor requested that the matter be referred back for submission of a comprehensive report at a forthcoming Council meeting.

RESOLVED BY COUNCIL

1. **THAT** the matter be referred back for submission of a comprehensive report at a forthcoming Council meeting.



C06/08/2022**TRAFFIC FINES RECEIVABLES NOT PAID FOR THE PERIOD OF THREE (3) YEARS
TO BE WRITTEN OFF AS BAD DEBTS**

5/1/3 (L)

RESOLVED BY COUNCIL

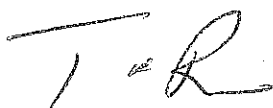
1. **THAT** Council take note of the traffic fines report indicating long outstanding traffic fines.
2. **THAT** Council take note that there is no collection strategy to recover the long outstanding traffic fines, except through warrants of arrest issued by the Magistrate Court, which is valid for two (2) years after the date of issue of the warrant.
3. **THAT** Council approve that in the absence of the collection strategy, the balance of each traffic fine debtor which falls within the delegated powers of the Executive Director: Financial Services (CFO) that is outstanding for a period longer than three (3) years after the date of issue be written off as irrecoverable at each reporting date as per the current delegations.
4. **THAT** Council approve that the balance of each traffic fine debtor which is in excess of the delegated powers of the Executive Director Financial Services (CFO) be reported to the Mayoral Committee at each reporting period for approval to be written off amounting to R13 106 650,00.
5. **THAT** traffic management service revenue collection strategy be developed and implemented.
6. **THAT** the comprehensive revenue enhancement strategy be developed for all services within three (3) months from the date of Council Resolution.

C07/08/2022**FINANCE: BUDGET PREPARATION TIMETABLE: 2023/2024**

9/2/2 (L)

RESOLVED BY COUNCIL

1. **THAT** the IDP and budget timetable for the 2023/2024 Annual Budget Process be approved and implemented.
2. **THAT** the public participation process be noted and implemented accordingly.



C09/08/2022

**FINANCES: SUPPLY CHAIN MANAGEMENT: STORES STOCKTAKING AT YEAR END:
2021/22 FINANCIAL YEAR**

9/2/2 (L)

RESOLVED BY COUNCIL

1. **THAT** the report by the Executive Director: Financial Services on the result of the financial year end stocktaking, be noted.
2. **THAT** the net surplus of R6 284 816.77 be written off from the vote for stores.

C10/08/2022

**PERFORMANCE PLAN FOR SECTION 54(A) AND 56 MANAGERS FOR THE
2022/2023 FINANCIAL YEAR**

3/5 (L)

With the consideration of this matter, the Executive Mayor requested to add paragraph 4 to the recommendation as follows:

- "4. **THAT** the Acting Director: Development & Strategic Support arrange a workshop to train Councillors on the assessment of Senior Managers."

RESOLVED BY COUNCIL

1. **THAT** the Performance agreements and plans as contained in **ANNEXURE A to E** be considered and noted by council.
2. **THAT** the Performance agreements and plans be published on the Municipal website.
3. **THAT** the Performance agreements and plans be submitted to the Performance agreements and plans.
4. **THAT** the Acting Director: Development & Strategic Support arrange a workshop to train Councillors on the assessment of Senior Managers.

T-R

DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY THE EXECUTIVE MAYOR

THAT Council take note of Resolutions M08/08/2022 taken by the Executive Mayor in terms of Delegated Powers.

M08/08/2022

FINANCES: FINANCIAL MONTHLY REPORT FOR JULY 2022

9/3/1 (L)

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the monthly in-year report for July 2022, be noted.
2. **THAT** the report be submitted in both an electronic and hard copy format to the National and Provincial Treasury.
3. **THAT** the monthly in-year report July 2022 be placed on the municipal website.

T.R

ADDITIONAL ITEM**NON DELEGATED POWERS**

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT the report by the Executive Mayor in respect of item C11/08/2022, be considered.

C11/08/2022

**PERSONNEL: FILLING OF THE VACANT POSITION OF THE MUNICIPAL MANAGER
4/3/R (L)**

With the consideration of this matter the following officials recused themselves from the meeting:

1. Ms TE Zulu
2. Mr MD Mogofe

An urgent report was distributed to Councillors. With the submission of this matter for consideration and in light of the fact that the report was tabled during the Council sitting, the Speaker granted all Political Parties a caucus period in order to discuss the item and be able to comment on the matter from 17:29 to 18:00.

After the temporary adjournment, the Speaker granted an opportunity to each political party to provide feedback on the matter. The following proposals were then submitted:

1. Proposal by Cllr CS Mashiloane which was seconded by Cllr MJ Sekgwele

"As the ANC component we suggest that the name of Mr SM Mnguni be considered for the position of the Municipal Manager."

2. Proposal by Cllr P Mobango which was seconded by Cllr DA Stuurman

"As per the Applicable legislation we therefore propose Mr Mandla Mnguni to serve as the Municipal Manager for the period stipulated in the recommendations of the Executive Mayor and that concurrence of the MEC be sort as a matter of urgency due to the crisis within the municipality."

3. Proposal by Cllr TN Tshoane which was seconded by Cllr ZJ Ngubeni

"The EFF recommends that Mr Mandla Mnguni be appointed as the Municipal Manager with effect from 01 September 2022 on a fixed term or the duration of 5 years."

T.R

In line with the regulations on appointments and conditions of employment of senior managers as contained in the local government: Act (act no.32 of 2000)"

In view of the fact that all submissions proposed Mr SM Mnguni to be appointed as Municipal Manager of Steve Tshwete Local Municipality, the proposals were accepted.

RESOLVED BY COUNCIL

1. **THAT** Mr SM Mnguni be appointed as the Municipal Manager with effect from 01 September 2022 on a fixed term contract for the duration of 5 years in line with the Regulations on Appointment and Conditions of employment of Senior Managers as contained in the Local Government : Municipal Systems Act (Act No.32 of 2000) and Upper Limits of Total Remuneration Packages Payable to the Municipal Manager and Managers directly accountable to the Municipal Manager as determined by the Minister for Corporative Governance and Traditional Affairs from time to time.
2. **THAT** MEC for Cooperative Governance and Traditional Affairs (COGTA) be requested to consider paragraph a above.

5. **CLOSURE**

The meeting adjourned at 20:01

SIGNED AT MIDDELBURG ON

05/10/2022



SPEAKER