



STEVE TSHWETE LOCAL MUNICIPALITY

MINUTES

OF THE

SPECIAL COUNCIL

MEETING HELD ON

17 November 2023

11:14 am



MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE SYDNEY CHOMA BANQUET HALL,
MIDDELBURG, ON FRIDAY, 17 NOVEMBER 2023 AT
11:14

PRESENT

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

S.T

OFFICIALS

Mr SM Mnguni	(Municipal Manager)
Ms B Mabena	(Acting Chief Administrative Officer)
Ms D Philip	(Administrative Officer Grade 2)
Mr S Malemone	(Senior Clerk)
Mr M Matlala	(Admin Aide Grade 2)

1. OPENING

The Speaker welcomed everyone and declared the meeting open.

2. APPLICATIONS FOR LEAVE OF ABSENCE

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

2.1.1 **THAT** note be taken that Ald AS Grobler, Cllr AS Struwig, Cllr CJ Wolmarans, Cllr JC Haarhoff and Cllr TR Mpye have applied for leave of absence due to other obligations and the applications were approved.

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 EXECUTIVE MAYOR

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REPORTS BY THE MUNICIPAL MANAGER

With the consideration of the following reports SC02/11/2023, SC03/11/2023, SC04/11/2023, SC05/11/2023 and SC06/11/2023 distributed to Councillors by the Municipal Manager for consideration, and in light of the fact that the reports were received during the Special Council Sitting, the Speaker, Cllr ST Mathunyane informed the meeting that these reports will be dealt with in closed session in terms of Section 91(1) of the Rules of Order. In terms of Section 91(6) of the Rules of Order, Members of the public and Officials of the municipality as requested left the meeting.

The Speaker allowed the Municipal Manager to make a presentation on the submitted reports and thereafter he granted all Political Parties in Council a 60 minute caucus period from 11:25 to 12:25 in order to discuss the items and be able to comment on the matters raised. The caucus period was extended for an extra 10 minutes which ended at 12:35.

He furthermore requested a Whips meeting with all Chief Whips to draft a Speakerslist for the items to be considered. The Whips meeting opened at 12:37 and ended at 14:47.

The Special Council meeting was re-convened at 14:49.

NON DELEGATED POWERS

SC02/11/2023

WRITTEN REPRESENTATION ON PRECAUTIONARY SUSPENSION OF EXECUTIVE DIRECTOR: FINANCIAL SERVICES

5/14/25 (K)

With the consideration of this matter Ald P Mobango submitted the following proposal which was seconded by Ald SM Mogola:

"That annexure PS1 is attached as a proposal to council.

That Council take note of the following:

1. *That council takes notes of paragraph 1, 1.1 to 1.4 in relations to the background of the Chief Financial Officer averments.*
2. *That council takes note of paragraph 2 of the CFO response and thus notes it without prejudice.*
3. *That council takes note of paragraph 3, 3.1 to 3.1.8 and resolved the following:*
 - 3.1 *That the CFO is put to proof in respects of the averments made in relations to the procurement and payment made to Masenyeletjie Protection Security (Pty) Ltd.*
 - 3.2 *That the CFO is requested to provide clarity and/or proof therein in relations to 3.1.4 of his averments as council is under the advice that during the period of where payment was made in relations to the last invoice, the Municipal Manager had already been appointed by Council and the Acting Municipal Manager had no powers to finalise the transaction, therefore council asserts that therefore put to proof.*

S.T

- 3.3 Council takes note and requires the CFO to provide the communication between himself and then Acting Municipal Manager in relations to paragraph 3.1.5.
- 3.4 That Council directs the CFO to the relevant provisions of the promotion of access to information act and urge him to request the said proof in corroboration to his averment in relations to paragraph 3, 3.1.1 to 3.1.8 and provide them to council at his earliest convenience.
4. That Council takes note of paragraph 3.2 of the response of the CFO and require that they provide council with the required communications between himself and the acting MM and any or other proof he might have to corroborate and/or support the averments made in paragraph 3.2 and 3.2.1 to 3.2.4.
- 4.1 That council directs the CFO to the relevant provisions of the promotion of access to informat act and urge him to request the said proof in corroboration to his averments in relations to paragraph 3.2 and 3.2.1 to paragraph 3.2.4 and provide them to council at his earliest convenience.
5. That council takes note of paragraph 3.3 and paragraph 3.3.1 to 3.3.4 and resolves the following:
- 5.1 That council notes the averments made in paragraphs mentioned in point 5 without prejudice.
6. That council takes note of paragraph 3.4 and paragraph 3.4.1 to 3.4.2 and resolves the following:
- 6.1 That council notes that the averments made in paragraphs mentioned in point 6, without prejudice."

In view of the fact that no other counter proposals were received, the proposal by Ald P Mobango was therefore accepted.

RESOLVED BY COUNCIL

1. **THAT** Council take note of the response by the Chief Financial Officer.
2. **THAT** Council directs the Chief Financial Officer to the relevant provisions of the promotion of access to information act and urge him to request the said proof in corroboration to his averments in relations to his averments in totality and provide them to council within 21 days after receipt of Council Resolution.
3. **THAT** the Municipal Manager be requested to fast track and assist in providing the Chief Financial Officer all required information.
4. **THAT** the Chief Financial Officer continues to be placed on precautionary suspension pending his formal response to Council.
5. **THAT** the Municipal Manager provides Council with the outcome of the Forensic Investigation if and when it is available, the Council will make the required recommendations applicable to the precautionary suspension.

S.T

SC03/11/2023

WRITTEN REPRESENTATION ON PRECAUTIONARY SUSPENSION OF EXECUTIVE DIRECTOR: FINANCIAL SERVICES & EXECUTIVE DIRECTOR: INFRASTRUCTURE SERVICES

5/14/2/5 (K)

With the consideration of this matter Cllr DD Klopper submitted the following proposal which was seconded by Ald P Mobango:

1. *That Council note the response by the Director: Infrastructure Services, without prejudice.*
2. *That the precautionary suspension stands pending the outcome of the Forensic Investigation."*

In view of the fact that no other counter proposals were received, the proposal by Cllr DD Klopper was therefore accepted.

RESOLVED BY COUNCIL

1. **THAT** Council note the response by the Executive Director: Infrastructure Services, without prejudice.
2. **THAT** the precautionary suspension stands pending the outcome of the Forensic Investigation.

SC04/11/2023

PERSONNEL: APPOINTMENT OF AN ACTING EXECUTIVE DIRECTOR: FINANCIAL SERVICES (CFO) AND ACTING EXECUTIVE DIRECTOR: INFRASTRUCTURE SERVICES

4/3/R (K)

RESOLVED BY COUNCIL

1. **THAT** the Deputy Director: Annual Financial Statements & Assets be appointed as Acting Executive Director: Financial Services (CFO) for a period of three (3) months with effect from 17 November 2023 or until the upliftment of the pre-cautionary suspension whichever comes first.
2. **THAT** the Director: Civil Engineering Services be appointed as Acting Executive Director: Infrastructure Services for a period of three (3) months with effect from 17 November 2023 or until the upliftment of the pre-cautionary suspension whichever comes first.
3. **THAT** the MEC for Cooperative Governance and Traditional Affairs ("COGTA") be requested, in terms of Section 56 of the Local Government: Municipal Systems Act 32 of 2000, as amended, to consider paragraph 1 and 2 above.

S-T

SC05/11/2023

COUNCIL: REQUEST TO DEVIATE FROM NORMAL SUPPLY CHAIN MANAGEMENT PROCESSES WITH REGARDS TO APPOINTMENT FOR AN EXTERNAL FORENSIC INVESTIGATOR AS A MATTER OF EMERGENCY

5/14/2/5 (K)

RESOLVED BY COUNCIL

1. THAT the appointment via deviation of an external independent professional services service provider to carry out forensic investigations in line with Council Resolutions SC30/10/2023, SC31/10/2023 and SC32/10/2023 as well as all other investigations as mentioned in paragraph 3.3 of the report, be approved.

2. THAT the report be submitted to Council before 31 December 2023.

SC06/11/2023

INVESTIGATION INTO THE SALE OF DENNESIG NORTH RESIDENTIAL STANDS

5/14/2/5 (K)

RESOLVED BY COUNCIL

1. THAT the matter was referred to the next Ordinary Council Meeting by the Municipal Manager.

5. **CLOSURE**

The meeting adjourned at 15:02

SIGNED AT MIDDELBURG ON *Stathmyane*
28/11/2023

Stathmyane
SPEAKER

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