

STEVE TSHWETE LOCAL MUNICIPALITY

MINUTES

OF THE

SPECIAL COUNCIL

MEETING HELD ON

31 October 2023

11:07 am



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MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE ADELAIDE TAMBO HALL, MIDDELBURG,
ON TUESDAY, 31 OCTOBER 2023 AT 11:07

PRESENT

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

ABSENT

Cllr BC Shabangu
Cllr EP Mahlangu

S.T

OFFICIALS

Mr SM Mnguni	(Municipal Manager)
Mr MD Mogofe	(Executive Director: Financial Services)
Ms R Makgata	(Executive Director: Infrastructure Services)
Ms P Magutle	(Acting Executive Director: Corporate Services)
Ms D Lambrechts	(Acting Executive Director: Community Services)
Mr M Masilela	(Director: Governance and Council Support)
Mr J Zulu	(Chief Administrative Officer)
Ms B Mabena	(Administrative Officer Grade 2)
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 J Segage, Cllr MC Skosana and Cllr JC Haarhoff 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

S.T

**EXTRACT OF THE REPORT OF THE 19TH MAYORAL
COMMITTEE MEETING WHICH WAS HELD IN THE MAYOR'S
BOARDROOM ON THURSDAY, 26 OCTOBER 2023**

NON DELEGATED POWERS

With the consideration of this report, the Executive Mayor informed the meeting that item SC06/10/2023 be referred back.

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT the report by the Executive Mayor in respect of item SC06; SC08; SC15; SC17; SC20 & SC24/10/2023, be considered.

SC06/10/2023

**LAND: APPLICATIONS TO LEASE VARIOUS PORTIONS OF PORTIONS 4 AND
6 OF THE FARM ELANDSLAAGTE 368 JS FOR AGRICULTURAL PURPOSES**

7/2/1/3 (Z)

RESOLVED BY COUNCIL

1. THAT note be taken that the matter was referred back by the Executive Mayor.

SC08/10/2023

**SUPPLY CHAIN MANAGEMENT: MONTHLY REPORT FOR SUPPLY CHAIN
MANAGEMENT SECTION 36 DEVIATION REPORT FOR THE MONTH OF
SEPTEMBER 2023**

9/2/2 (S)

RESOLVED BY COUNCIL

1. THAT Council take note of the Section 36 Deviation Report for September 2023.
2. THAT Council take note that no Section 36 Deviation incurred during the month of September 2023.

S.T

SC15/10/2023

**QUARTERLY REPORT FOR SUPPLY CHAIN MANAGEMENT: FIRST QUARTER
(FROM JULY TO SEPTEMBER 2023/24) FINANCIAL YEAR**

9/2/2 (A)

RESOLVED BY COUNCIL

1. THAT the quarterly report on the implementation of Supply Chain Management Policy of the municipality for the first quarter ending 30 September 2023, be noted.
2. THAT permission be granted to the Executive Director: Financial Services to publish the first quarter report in terms of Supply Chain Management (SCM) Regulation 6(3) & (4).

SC17/10/2023

FINANCES: FINANCIAL QUARTERLY REPORT: SEPTEMBER 2023

9/2/1 (B) /dp

RESOLVED BY COUNCIL

1. THAT the quarterly in-year report for the second quarter, as submitted by the Executive Director: Financial Services, be noted.
2. THAT permission be granted to the Executive Director: Financial Services to upload the quarterly in-year report to the National and Treasury portal.
3. THAT permission be granted to the Executive Director: Financial Services to place the quarterly in - year report for the second quarter on the Municipal website.
4. THAT the Executive Director: Infrastructure Services be requested to submit an investigation report regarding the theft of the TV, Portraits and Stove at the Sydney Choma Banquet Hall.

SC20/10/2023

**APPOINTMENT OF THE MEMBERS TO SERVE ON THE STEVE TSHWETE
VALUATION APPEAL BOARD FOR FIVE YEARS BY MEC COGTA**

4/7/2(C)/mm

RESOLVED BY COUNCIL

1. THAT Council take note of the MEC's appointment of the Valuation Appeal Board members for the period 1 April 2023 until 31 March 2027.

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2. THAT provision of budget be made available for the remuneration of the Board members.

SC24/10/2023

MPAC: REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING WHICH WAS HELD ON 17 OCTOBER 2023

3/2/4/1/17 (A)

RESOLVED BY COUNCIL

1. THAT the report on a Municipal Public Accounts Committee meeting held on 17 October 2023 as submitted by the Municipal Manager, be noted.
2. THAT the following recommendations taken at the above-mentioned meeting be considered by Council:

Recommendation number	Heading	Recommendation by MPAC
MPAC01/10/2023	Unforeseen & unavoidable expenditure – proof of necessary adjustment budget expenditure – September 2023	THAT note be taken that there were no new cases of unforeseen and unavoidable expenditure for September 2023.
MPAC02/10/2023	Fruitless, wasteful, irregular & unauthorized expenditure – September 2023	THAT note be taken that there were no new cases of fruitless, wasteful, irregular and unauthorized expenditure for September 2023.
MPAC03/10/2023	MPAC: Quarterly report: disciplinary actions instituted in terms of MFMA: 01 July 2023 - 30 September 2023	THAT note be taken that there were no disciplinary actions instituted in terms of the MFMA for the period 01 July 2023 to 30 September 2023.
MPAC04/10/2023	Audit & Performance Committee report of 4 th quarter 2022/2023	THAT the content of the Audit and Performance Committee 4 th Quarter report be, noted.

S.T

ADDITIONAL ITEMS

With the consideration of the Additional Items SC30/10/2023, SC31/10/2023 and SC32/10/2023 distributed to Councillors by the Municipal Manager for consideration, and in light of the fact that the reports were received during the 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 30 minute caucus period from 11:23 to 11:53 in order to discuss the items and be able to comment on the matters raised.

SC30/10/2023

INVESTIGATION INTO PAYMENT MADE TO MASENYELETJE PROTECTION AND SECURITY SERVICES PTY (LTD) BY STEVE TSHWETE LOCAL MUNICIPALITY

5/14/2/5 (K)

With the consideration of this matter Ald P Mobango submitted the following proposal which was seconded by Cllr DJ Van der Merwe:

- "1. **THAT** according to the recommendation of the report named SC30/10/2023 and SC31/10/2023 that the Chief Financial Officer be put on precautionary suspension, as per Section 6(1)(a)(i-iii)
 - (b)(i-ii)
 - (2)(3)(4)
 - (5)(a-b)
 - (6)(a)(b)
2. **THAT** a forensic investigation be undertaken on the CFO dealings through his office, from date of appointment to date of suspension.
3. **THAT** the investigation in point 2 does not exceed 60 days.
4. **THAT** it be submitted to Council for finalization.
5. **THAT** other persons implicated in the reports for wrong doing, be reported to the relevant authorities for consequence management."

Ald MJ Sekgwele then submitted the following counter proposal which was seconded by Cllr MG Maseko:

" In view of the above mentioned item I propose the matter be referred to MPAC for recommendation to Council."

S.T

The proposal by Ald P Mobango was therefore put to vote and the result were as follows:

In favour of the Proposal by Ald P Mobango	=	30
Against the Proposal by Ald P Mobango	=	21
Abstain	=	1

The proposal by Ald MJ Sekgwele was therefore put to vote and the result were as follows:

In favour of the Proposal by Ald MJ Sekgwele	=	21
Against the Proposal by Ald MJ Sekgwele	=	30
Abstain	=	1

The proposal by Ald MJ Sekgwele was therefore not accepted.

The proposal by Ald P Mobango was accepted.

RESOLVED BY COUNCIL

1. **THAT** the Chief Financial Officer be put on precautionary suspension in terms of Local Government: Disciplinary Regulations for Senior Managers, 2010 published under Notice 334 of the Government Gazette dated 21 April 2011 as per Sections 6(1)(a)(i-iii), (b)(i-ii), (2)(3)(4), (5)(a-b) and (6)(a)(b).
2. **THAT** a forensic investigation be undertaken on the CFO dealings through his office, from date of appointment to date of suspension.
3. **THAT** the investigation in point 2 does not exceed 60 days.
4. **THAT** it be submitted to Council for finalization.
5. **THAT** other persons implicated in the reports for wrong doing , be reported to the relevant authorities for consequence management.

SC31/10/2023

INVESTIGATION INTO FUNDING AGREEMENT ENTERED INTO BY THE NATIONAL EMPOWERMENT FUND (NEF) AND STEVE TSHWETE LOCAL MUNICIPALITY

5/14/2/5 (K)

With the consideration of this matter Ald P Mobango submitted the following proposal which was seconded by Cllr DJ Van der Merwe:

1. **THAT** according to the recommendation of the report named SC30/10/2023 and SC31/10/2023 that the Chief Financial Officer be put on precautionary suspension, as per Section 6(1)(a)(i-iii)
(b)(i-ii)

S.T

(2)(3)(4)
 (5)(a-b)
 (6)(a)(b)

2. **THAT** a forensic investigation be undertaken on the CFO dealings through his office, from date of appointment to date of suspension.
3. **THAT** the investigation in point 2 does not exceed 60 days.
4. **THAT** it be submitted to Council for finalization.
5. **THAT** other persons implicated in the reports for wrong doing , be reported to the relevant authorities for consequence management."

Ald MJ Sekgwele then submitted the following counter proposal which was seconded by Cllr MG Maseko:

" In view of the above mentioned item I propose the matter be referred to MPAC for recommendation to Council."

The proposal by Ald P Mobango was therefore put to vote and the result were as follows:

In favour of the Proposal by Ald P Mobango	=	30
Against the Proposal by Ald P Mobango	=	21
Abstain	=	1

The proposal by Ald MJ Sekgwele was therefore put to vote and the result were as follows:

In favour of the Proposal by Ald MJ Sekgwele	=	21
Against the Proposal by Ald MJ Sekgwele	=	30
Abstain	=	1

The proposal by Ald MJ Sekgwele was therefore not accepted.

The proposal by Ald P Mobango was accepted.

RESOLVED BY COUNCIL

1. **THAT** the Chief Financial Officer be put on precautionary suspension in terms of Local Government: Disciplinary Regulations for Senior Managers, 2010 published under Notice 334 of the Government Gazette dated 21 April 2011 as per Sections 6(1)(a)(i-iii), (b)(i-ii), (2)(3)(4), (5)(a-b) and (6)(a)(b).
2. **THAT** a forensic investigation be undertaken on the CFO dealings through his office, from date of appointment to date of suspension.

S.T

3. THAT the investigation in point 2 does not exceed 60 days.
4. THAT it be submitted to Council for finalization.
5. THAT other persons implicated in the reports for wrong doing , be reported to the relevant authorities for consequence management.

SC32/10/2023

INTERNAL INVESTIGATION INTO NEW MHLUZI INTAKE VOLTAGE SUBSTATION

5/14/25 (K)

With the consideration of this matter Cllr DJ Van der Merwe submitted the following proposal which was seconded by Ald GHE Romijn:

- "1. THAT the Chief Financial Officer and Executive Director: Infrastructure Services be placed on immediate pre-cautionary suspension.
2. THAT the role ex-officials played also be investigated and be reported to Council as soon as possible.
3. THAT the Municipal Manager be requested to fast track environmental and feasibility study.
4. THAT the Municipal Manager be granted permission to continue with his investigation.
5. THAT MPAC be allowed to involve Special Investigation Unit (SIU) and other relevant authorities."

Ald MJ Sekgwele then submitted the following counter proposal which was seconded by Cllr LE Nkwana:

"propose that the matter be referred to MPAC for recommendation to Council for consideration."

The proposal by Cllr DJ Van der Merwe was therefore put to vote and the result were as follows:

In favour of the Proposal by Cllr DJ Van der Merwe	=	30
Against the Proposal by Cllr DJ Van der Merwe	=	21
Abstain	=	1

The proposal by Ald MJ Sekgwele was therefore put to vote and the result were as follows:

S.T.

In favour of the Proposal by Ald MJ Sekgwele	=	21
Against the Proposal by Ald MJ Sekgwele	=	30
Abstain	=	1

The proposal by Ald MJ Sekgwele was therefore not accepted.

The proposal by Cllr DJ Van der Merwe was accepted.

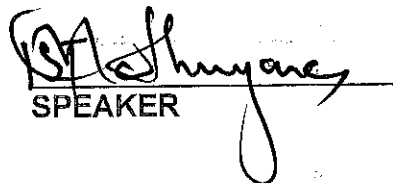
RESOLVED BY COUNCIL

1. **THAT** the Chief Financial Officer and Executive Director: Infrastructure Services be placed on immediate pre-cautionary suspension in terms of Local Government: Disciplinary Regulations for Senior Managers, 2010 published under Notice 334 of the Government Gazette dated 21 April 2011.
2. **THAT** the role ex-officials played also be investigated and be reported to Council as soon as possible.
3. **THAT** the Municipal Manager be requested to fast track environmental and feasibility study.
4. **THAT** the Municipal Manager be granted permission to continue with his investigation.
5. **THAT** MPAC be allowed to involve Special Investigation Unit (SIU) and other relevant authorities.

5. **CLOSURE**

The meeting adjourned at 14:25

SIGNED AT MIDDELBURG ON: 28/11/2023


SPEAKER

S.7