

MOGALAKWENA LOCAL MUNICIPALITY

COUNCIL

MINUTES OF A SPECIAL COUNCIL MEETING OF THE MOGALAKWENA MUNICIPALITY HELD IN THE LLEKA LEKALAKALA COUNCIL CHAMBER, CIVIC CENTRE, MOKOPANE ON FRIDAY, 12 JULY 2013 AT 14:09

PRESENT

COUNCILLORS

AS PER ATTACHED ATTENDANCE REGISTER.

OFFICIALS

Messrs.	J N FOURIE	-	ACTING MUNICIPAL MANAGER
	K J MPHAGO	-	CHIEF FINANCIAL OFFICER
	M S MAGALE	-	ACTING MANAGER: DEVELOPMENTAL SERVICES
	M A SIBANDA	-	ACTING MANAGER: TRAFFIC & EMERGENCY SERVICES
	M G MATABANE	-	ACTING MANAGER: COMMUNITY SERVICES
	K D MALEPA	-	ACTING MANAGER: TECHNICAL SERVICES
	M D SELOKELA	-	DIVISIONAL HEAD: COMMUNICATIONS
Mesdames.	I A DE VILLIERS	-	ACTING MANAGER: CORPORATE SUPPORT SERVICES
	M C NGOAKO	-	ASSISTANT COUNCIL SECRETARIAT OFFICER

NB: The opposition parties requested for a caucus during the discussion of the position of the acting municipal manager.

The speaker chaired the council meeting until 15:40 after which councillor L C Kganyago was elected as the acting speaker.

1. OPENING

The speaker welcomed all present and declared the meeting officially opened.

2. APPLICATION OF MEMBERS FOR LEAVE OF ABSENCE

Applications for leave of absence were received from councillors R P Madubana, M J Sekhu, M J Chauke, K D Setlatjile, M L Somo, M M Moseamedi and R P Maluleke.

RESOLVED:

THAT leave of absence from a special council meeting held on 12 July 2013 be granted to councillors R P Madubana, M J Sekhu, M J Chauke, K D Setlatjile, M L Somo, M M Moseamedi and R P Maluleke.

3. RESCINDING OF COUNCIL RESOLUTION DATED 16 SEPTEMBER 2011
(15/3/2/60)I
(Corporate support services)

The Democratic Alliance councillors, councillors G E Morkel-Brink, L S Molomo and D P Motlohoneng requested who is going to pay the legal costs and registered their names against the resolution due to the financial implications.

RESOLVED:

THAT council resolution 11 taken under "New Motions" on 16 September 2011 be rescinded.

4. PROGRESS REPORT ON SETTLEMENT WITH THE MUNICIPAL MANAGER
(15/3/2/60)I
(ITEM 3 AGENDA SPECIAL EC 12 JULY 2013)

The report was discussed in committee. The acting municipal manager and all managers were recused except the assistant council secretariat officer.

Councillor F M Mabuela proposed that the meeting be adjourned during the discussion of this report and the chief whip requested for a ten (10) minutes ANC party caucus.

The Democratic Alliance councillors and councillor G E Morkel-Brink requested that their names be recorded, that they don't form part of the discussion.

The mayor read the report attached as Annexure A to the minutes and all the opposition parties left the meeting indicating that the report should have been furnished to councillors twenty four hours before the meeting.

The ANC requested for a 10 minutes party caucus.

The chief whip supported the report presented by the mayor and proposed that Mr L F Masibe, the manager: developmental services be appointed as the acting municipal manager with immediate effect and councillor N V Mashamaite seconded him.

Councillors M I Mogotlane, T A Kgaphola, F M Mabuela, M W Mabuela, R E Mothibi, M E Ramashala, R L Kekana, S G Ngobeni, M D Dabula, P G Pila, R E Panyana, R M Mabusela, M K Kgalo, E K Mashaba and R M Molekoa requested that their names be recorded against the resolution as they have not seen the report as it was not reflected in the council agenda.

RESOLVED:

THAT

- a) council accepts the report of the executive committee presented by the mayor.
- b) council accepts the termination of settlement discussions by Mr S W Kekana as communicated by his attorneys.

- c) council accepts the report by the mayor and the advice that the municipal manager's contract has terminated by operation of the law on the 18th May 2012 and thus he is not a municipal manager effective from 19th May 2012 and should therefore vacate the office with immediate effect.
- d) the mayor is mandated to inform Mr S W Kekana of the council resolution and the mayor is authorized to take all steps he considers appropriate to ensure the effective implementation of this resolution and protect the interests of council.
- e) the mayor is mandated to instruct any official to take whatever steps the mayor considers to be appropriate in implementing the resolution.
- f) council hereby appoints Lesiba Frans Masibe, manager: developmental services as an acting municipal manager with immediate effect.
- g) council authorizes that Lebea and Associated Attorneys should continue to act as council Attorneys in any litigation, dispute etc. between council and Mr Kekana and the purported termination of the said attorney's engagement is rejected.
- h) any litigation which may arise as a result of this resolution should be defended.
- i) the mayor, any councillor and / or official is authorized to depose to any affidavits etc. to oppose any litigation on behalf of council should the said attorneys so require.
- j) the mayor is authorized to take whatever action he considers appropriate to protect the interests of council in consultation and on the advice of council's attorneys and report to the executive committee on a regular basis.
- k) in the event of conflict with any previous resolution on this matter, this resolution shall prevail.

The meeting closed at 17:05.

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SPEAKER

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DATE