

MINUTES OF THE FIRST SPECIAL COUNCIL MEETING (NO.1 OF 2021/2022) OF THE MUNICIPAL COUNCIL OF FEZILE DABI DISTRICT MUNICIPALITY, HELD ON FRIDAY, 30 JULY 2021 AT 11H00.

DETERMINATION OF A QUORUM PRIOR TO THE COUNCIL MEETING:

Prior to the start of the meeting, a roll call was conducted upon which the following Councillors confirmed their presence both physically and virtually as the meeting was held in line with the provisions of Rule 8A (1) of the Municipal Standard Rules and Orders as well as the Regulations in respect of the *Disaster Management Act 57* of 2002 restrictions on Gatherings related to COVID-19.

COUNCILLORS:

Cllr. L. Kubeka	<i>Speaker of the Municipal Council</i>
Cllr. M. Moshodi	<i>Executive Mayor</i>
Cllr. M. Poho	<i>Metsimaholo Local Municipality</i>
Cllr. P. Mohapi	<i>Metsimaholo Local Municipality</i>
Cllr. M . Khunyeli	<i>Moqhaka Local Municipality</i>
Cllr. M. Pietersen	<i>Moqhaka Local Municipality</i>
Cllr. S. Tladi	<i>Moqhaka Local Municipality</i>
Cllr. S. Pittaway	<i>Moqhaka Local Municipality</i>
Cllr. Mtunze	<i>Moqhaka Local Municipality</i>
Cllr. S. Leponesa	<i>Ngwathe Local Municipality</i>

Cllr. V. De Beer- Mthombeni	<i>Ngwathe Local Municipality</i>
Cllr. C. Serfontein	<i>Ngwathe Local Municipality</i>
Cllr M. Magashule	<i>Ngwathe Local Municipality</i>
Cllr. T. Soetsang	<i>Fezile Dabi District Municipality</i>
Cllr. R. Majoe	<i>Fezile Dabi District Municipality</i>
Cllr. N. Mokodutlo	<i>Fezile Dabi District Municipality</i>
Cllr. M. Mosia	<i>Fezile Dabi District Municipality</i>
Cllr.G. Nketu	<i>Fezile Dabi District Municipality</i>
Cllr. K. Khunyeli	<i>Fezile Dabi District Municipality</i>
Cllr. K. Thulo	<i>Fezile Dabi District Municipality</i>
Cllr. P. Modikoe	<i>Fezile Dabi District Municipality</i>
Cllr. S. Motsapi	<i>Fezile Dabi District Municipality</i>
Cllr. M.P Monaune	<i>Mafube Local Municipality</i>

OFFICIALS:

Ms. L. Molibeli	<i>Municipal Manager</i>
Dr. S. Motingoe	<i>Director: Corporate Support Services (CSS)</i>
Mrs. N. Baleni	<i>Director: Environmental Health and Emergency Services</i>
Ms. N. Mdaka	<i>Chief Financial Officer (CFO)</i>
Mr. M. Taetsane	<i>Director: LED & Tourism</i>
Adv. K. Rabie - Khonkhe	<i>Manager: Corporate and Legal Services</i>
Mrs. D. Mamphitha	<i>Manager: Office of the Municipal Manager</i>

Mr. I. Rapuleng

Manager: Office of the Executive Mayor

Mrs. M. Sehlabo

Council Secretariat

THE MEETING WAS QUORATE.

Index

	<u>ITEM</u>	<u>PAGE</u>
1. OPENING	A	6
2. APPLICATION FOR LEAVE OF ABSENCE	B	6
3. REPORT RECEIVED FROM THE SPEAKER	C	6
Oversight Report of the Municipal Public Accounts Committee on Annual Report for the period ending 30 June 2020	20A	7
Municipal Public Accounts Committee Report (MPAC) on reported Unauthorised, Fruitless, Wasteful and Irregular Expenditure as per audited Annual Financial Statement disclosed under note 42-44	20B	7
4. REPORTS RECEIVED FROM THE MUNICIPAL MANAGER	D	10
Report on support/assistance given to SMME's in the District through entrepreneurial support system	01	10
Report on the males netball championship	02	10
Project Management & Public Works status report for May 2021	03	10
Occupational health and safety for the month ending May 2021	04	11
Tracking implementation 29 January 2021 & 26 February 2021	05	11
Tracking implementation 29 March 2021	06	12
Approval of human Resources policies	07	12
Environmental Health status report for the month of May 2021	08	13
Disaster Management status report for the month of May 2021	09	13
Municipal Health Services status report for the month of May 2021	10	10

Fire & Rescue Services status report for the month of May 2021	11		15
Reviewed Sector Plans	12		15
5. REPORT RECEIVED FROM THE MUNICIPAL MANAGER	E		15
Tabling of Final Audited Annual Report of FDDM for the period ending 30 June 2020	13		15
Conclusion of Performance Agreements for Municipal Manager and Manager directly accountable to the Municipal Manager	14		16
Consideration by Council of the Final SDBIP for the 2021/22 Financial Year	15		16
Approval of the Reviewed PMS Organisational Framework for the FDDM 2021/22 Financial Year	16		17
Performance Evaluation Report for the Municipal Manager (Section 54 A) and Managers (Section 56) for the period ending 31 December 2020 (Mid-year Assessment)	17		17
Payment of Performance Bonuses to Municipal Manager (Section 54 A) and Managers (Section 56) for the period ending 30 June 2020 (Annual Assessment)	19	2	18
Appointment of Commercial Banking Services	E		
	20		
6. CLOSING			

MINUTES

A. OPENING

The Council Meeting started at 11h13.

The Speaker- Cllr. L. Kubeka, declared the meeting officially opened and welcomed everybody present to the First Special Council Meeting (No.1 of 2021/2022) of the Municipal Council of Fezile Dabi District Municipality held on Friday, **30 July 2021 at 11H00** in accordance to Rule 8A (1) and (2) of the Municipal Standard Rules and Orders read together with the Department of Cooperative and Traditional Affairs (CoGTA) directives and regulations as per the provisions of the *Disaster Management Act 57 of 2002* addressing the prevention, mitigation and combatting of the spread of the Corona Virus, COVID-19.

He requested Adv. Khonkhe (Manager: Corporate and Legal Services) to perform a roll call in respect of Councillors and Officials who were both physically present in the Chamber and streaming live (Video-Conferencing) via the *Microsoft Teams* Application - the meeting was declared quorate and Cllr. Monaune was requested to grace the meeting with a prayer.

Thereafter the Speaker welcomed the newly elected Councilors, Cllr M.M. Monaune who replaced Cllr. J. Hlongwane from Mafube Local Municipality – representing African National Congress (ANC)

B. APPLICATION FOR LEAVE OF ABSENCE

COUNCILLORS

Cllr. Mare	Metsimaholo Local Municipality (Will join the meeting late)
Cllr. Mokodutlo	Fezile Dabi District Municipality
Cllr. Tete	Ngwathe Local Municipality

C. REPORT RECEIVED FROM THE SPEAKER

Prior to the discussions Council condone late submission of Addendum.

Condone by Cllr. Mosia

Seconded by Cllr. Selake Tladi.

ITEM 20 A

OVERSIGHT REPORT: ANNUAL REPORT FOR PERIOD ENDING 30 JUNE 2020

RESOLVED

1. That Council takes note of all recommendations made by MPAC on the Oversight Report.
2. That Council adopts the Annual Report for the period ending 30 June 2020 without reservations; and
3. That the contents of the oversight report be made public.
4. That Council approve the committee report as presented.

For Attention:

*Director:
Corporate
Support
Services*

Speaker

*Municipal
Manager*

ITEM 20 B

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) REPORT ON REPORTED UNAUTHORISED, FRUITLESS, WASTEFUL AND IRREGULAR EXPENDITURE AS PER AUDITED ANNUAL FINANCIAL STATEMENT DISCLOSED UNDER NOTE 42-44

The following councillors voted against recommendation taken.

Cllr. Pittaway
Cllr. Thulo
Cllr. Serfontein

RESOLVED

For Attention:

That the Municipal Council approved the MPAC report and the outcomes as follows:

1. That the Municipal Council approve all recommendations made by MPAC following their investigation and/or oversight functions.
2. That the Municipality ensures that it strengthen its internal controls over daily and monthly transactions in order to prevent re-occurrences of irregular expenditure.
3. That the Municipal Council approve the recommendations made by the Municipal Public Accounts Committee (MPAC) post their oversight and investigation functions to write-off the Irregular Expenditure as per the outcomes of their oversight functions with due consideration to all information and evidence that they utilised to reach that decision.
4. That the Municipal Council approve the MPAC Report on the Unauthorised, Irregular, Fruitless and Wasteful Expenditure.
5. That the Municipal Council approve the writing –off of the Irregular Expenditure amounting to R 54 687 701 classified as follows, be written off:
 - 2016/17 Irregular Expenditure amounting to R 17 931 682.
 - 2017/18 Irregular Expenditure amounting to R 10 394 924.
(R 2 332 093 + R 8 062 831).
 - 2018/19 Irregular Expenditure amounting to R 11 420 355.
 - 2019/20 Irregular Expenditure amounting to R 14 770 512.
6. That the Municipality strengthen its internal controls over daily and monthly transactions to prevent re-occurrence of the irregular expenditure.

*Director:
Corporate
Support
Services*

Speaker

*Chief
Financial
Officer*

*Municipal
Manager*

7. That the Municipal Council approve the MPAC report on Fruitless and Wasteful Expenditure for the period ended 30 June 2020.
8. That the Municipal Council to approve the Fruitless and Wasteful Expenditure amounting to R86 826 which occurred for the period ended 30 June 2020 and that the forenamed amount of (R86 826) Fruitless and Wasteful Expenditure be written off.
9. That the Municipality strengthen its internal controls over a daily and monthly basis on transaction expenditure to prevent re-occurrence of the Fruitless and Wasteful Expenditure.
10. That the Municipal Council approve the MPAC report on Unauthorised Expenditure for the period ended 30 June 2020.
11. That Municipal Council approve the writting-off, of an amount of R11 938 469 relating to Wasteful Expenditure as per the outcomes of the oversight of MPAC.
12. That the Municipality strengthen its internal controls over daily and monthly transaction expenditure to prevent re-occurrence of the unauthorised expenditure.

D. REPORTS RECEIVED FROM THE EXECUTIVE MAYOR

ITEM 01

REPORT ON SUPPORT/ASSISTANCE GIVEN TO SMMEs IN THE DISTRICT THROUGH ENTREPRENEURIAL SUPPORT SYSTEM

(Director: Local Economic Development & TOURISM)

RESOLVED

That the Report on Support/Assistance given to SMMES in the District through Entrepreneurial Support System be approved.

For Attention:

*Director: Local
Economic
Development &
Tourism*

ITEM 02

REPORT ON THE MALES NETBALL CHAMPIONSHIPS

(Director: Local Economic Development and Tourism)

RESOLVED

That Council approve the report on the Males Netball Championships.

For Attention:

*Director: Local
Economic
Development &
Tourism*

ITEM 03

PROJECT MANAGEMENT & PUBLIC WORKS MANAGEMENT STATUS REPORT FOR THE MONTH OF MAY 2021

Acting Director: Project Management & Public Works

RESOLVED

That Council approve the report on Project Management & Public Works Management Status for the month of May 2021.

For Attention:

*Acting
Director:
Project
Management &
Public Works*

ITEM 04

HUMAN RESOURCES REPORT: OCCUPATIONAL HEALTH AND SAFETY FOR THE MONTH ENDING MAY 2021

(Director: Corporate Support Services)

RESOLVED

1. That Council approve the report on Occupational Health and Safety for the period ending May 2021.
2. That recommendations and/or remedial action proposed, be implemented by Management and all employees.
3. That staunch compliance to the Occupational Health and Safety Act be observed by all stakeholders and non-compliance be reported promptly to CSS.

For Attention:

*Director:
Corporate
Support
Services*

ITEM 05

TRACKING AND IMPLEMENTATION OF RESOLUTIONS TAKEN BY THE MUNICIPAL COUNCIL OF FEZILE DABI DISTRICT MUNICIPALITY: 29 JANUARY 2021 AND 26 FEBRUARY

(Director: Corporate Support Services)

RESOLVED

That the contents of the item on tracking and implementation of council resolutions for below dates be approved

29 January 2021.
26 February 2021.

For Attention:

*Director:
Corporate
Support
Services*

ITEM 06

TRACKING AND IMPLEMENTATION OF RESOLUTIONS TAKEN BY THE MUNICIPAL COUNCIL OF FEZILE DABI DISTRICT MUNICIPALITY: 29 MARCH 2021

(Director: Corporate Support Service)

RESOLVED

That the contents of the item on tracking and implementation of council resolutions for below date be approved.
29 March 2021.

For Attention:

*Director:
Corporate
Support
Services*

ITEM 07

HUMAN RESOURCES REPORT- APPROVAL OF HUMAN RESOURCES POLICIES
(Director: Corporate Support Services)

RESOLVED

That Council approve the contents of the report of the following HR policies:

- Sexual, Racism and Racial Harassment Policy
- HIV/AIDS Policy
- Occupational Health and Safety Policy
- Appointment in Acting Capacity Policy
- Membership to professional bodies policy
- Medical Aid Benefit policy.

For Attention:

*Director:
Corporate
Support
Services*

ITEM 08

ENVIRONMENTAL MANAGEMENT STATUS REPORT FOR THE MONTH OF MAY 2021

Director: Environmental Health & Emergency Services

RESOLVED

That the Council approve the report on Environmental Management Status for the month of May 2021.

For Attention:

*Director:
Environmental
Health &
Emergency
Services*

ITEM 09

DISASTER MANAGEMENT STATUS REPORT FOR THE MONTH MAY 2021

Director Environmental Health & Emergency Services

RESOLVED

That the Council approve the report on the Disaster Management Status for the month of May 2021.

For Attention:

*Director:
Environmental
Health &
Emergency
Services*

ITEM 10

MUNICIPAL HEALTH SERVICES STATUS REPORT FOR THE MONTH OF MAY 2021

Director Environmental Health & Emergency Services

RESOLVED

That Council approve the report on the Municipal Health Services Status for the month of May 2021.

For Attention:

*Director:
Environmental
Health &
Emergency
Services*

ITEM 11

FIRE AND RESCUE SERVICES STATUS REPORT FOR THE MONTH OF MAY 2021

Director Environmental Health & Emergency Services

RESOLVED

That Council approve the report on Fire and Rescue Services Status for the month of May 2021.

For Attention:

*Director:
Environmental
Health &
Emergency
Services*

ITEM 12

**ENVIRONMENTAL HEALTH & EMERGENCY SERVICES
REVIEWED SECTOR PLANS 31 MAY 2021**

Director Environmental Health & Emergency Services

RESOLVED

1. That the Council approve the reviewed Disaster Risk Management Plan.
2. That Council approve the reviewed Integrated Waste Management Plan.
3. That Council approve of the reviewed Climate Change Strategy.
4. That Council approve the reviewed Air Quality Management Plan.
5. That Council approve the reviewed Integrated Fire Management Plan.
6. That the plans be approve by Council.

For Attention:

*Director:
Environmental
Health &
Emergency
Services*

7. That the plans be included on the FDDM website.

D. REPORT RECEIVED FROM THE MUNICIPAL MANAGER

ITEM 13

TABLING OF THE FINAL AUDITED ANNUAL REPORT OF FEZILE DABI DISTRICT MUNICIPALITY FOR THE PERIOD ENDING 30 JUNE 2020 (MUNICIPAL MANAGER)

RESOLVED

1. That Council approve the Fezile Dabi District Municipality Annual Report for the period ending 30 June 2020 without reservation as guided by the oversight report received from MPAC;
2. That Council approve the Internal Audit Report for the period ending 30 June 2020 attached to this report as Annexure G in the Annual Report; and
3. Upon approval by council the copy of the Annual Report be submitted to the Provincial Legislature as required in terms of section 132 of the Local Government: Municipal Finance Management Act No 56 of 2003.

For Attention:

*Municipal
Manager*

ITEM 14

CONCLUSION OF PERFORMANCE AGREEMENTS FOR MUNICIPAL MANAGER AND MANAGERS DIRECTELY ACCOUNTABLE TO THE MUNICIPAL MANAGER FOR THE 2021/2022 FINANCIAL YEAR
(MUNICIPAL MANAGER)

RESOLVED

1. That Council approve the report on the 2021/22 Annual Performance Agreements and Annual Performance Plans in respect of the Municipal Manager and Managers Directly accountable to Municipal Manager be approved by council;
2. That copies of the Annual Performance Agreements for the Municipal Manager and Managers Directly accountable to the Municipal Manager be submitted to MEC responsible for Local Government as required by section 53 (3) of the MFMA; and
3. By no later than 14 days, the copies of the Performance Agreements for the Municipal Manager and Managers Directly accountable to the Municipal Manager be made public.

For Attention:

*Municipal
Manager*

ITEM 15

CONSIDERATION BY COUNCI OF THE FINAL SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR THE 2021/2022 FINANCIAL YEAR
(MUNICIPAL MANAGER)

RESOLVED

That Council approve the final Service Delivery and Budget Implementation Plan (SDBIP) for the 2021/22 financial year;

For Attention:

*Municipal
Manager*

ITEM 16

APPROVAL OF THE REVIEWED PMS ORGANISATIONAL FRAMEWORK FOR THE FDDM 2021/2022 FINANCIAL YEAR (MUNICIPAL MANAGER)

RESOLVED

That Council approve the reviewed Fezile Dabi District Municipality PMS Framework for 2021/22 financial year by council.

For Attention:

*Municipal
Manager*

ITEM 17

PERFORMANCE EVALUATION REPORT FOR THE MUNICIPAL MANAGER (SECTION 54A) AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER (SECTION 56) FOR THE PERIOD ENDING 31 DECEMBER 2020 (MID-YEAR ASSESSMENT). (MUNICIPAL MANAGER)

Prior to the discussions on Item 17 and 18, the Executive Mayor requested the Municipal Manager and Managers Directly accountable to the Municipal Manager to be excused.

RESOLVED

1. That Council approve the Mid-Year Performance Assessment of the Municipal Manager for the period ending 31 December 2020.
 - (i) LM Molibeli – Municipal Manager

2. That Council further approves the Mid-Year Performance Assessments of Managers Directly Accountable to the Municipal Manager for the period ending 31 December 2020, namely.
 - (i) N Mdaka – Chief Financial Officer
 - (ii) S Motingoe – Director Cooperate Support Service

For Attention:

*Municipal
Manager*

- (iii) M Taetsane – Director Local Economic Development and Tourism
- (iv) N Baleni – Director Environmental Health and Emergency Services
- (v) N Baleni – Acting Director Project Management and Public Works

ITEM 18

PAYMENT OF PERFORMANCE BONUSES TO MUNICIPAL MANAGER (SECTION 54A) AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER (SECTION 56) FOR THE PERIOD ENDING 30 JUNE 2020 (ANNUAL ASSESSMENT) **(MUNICIPAL MANAGER)**

The following Councillors voted against below recommendation.

Cllr. Pittaway
Cllr. Serfontein
Cllr. Thulo

RESOLVED

1. That Council approves the evaluation outcomes of the Municipal Manager and Managers directly accountable to the Municipal Manager for the period ending 30 June 2020; and
2. Performance bonuses be paid to Municipal Manager and Managers directly accountable to the municipal as follows:
 - a) Municipal Manager: Me. L Molibeli – 14% of the total remuneration package;

For Attention:

*Municipal
Manager*

- b) Acting Chief Financial Officer – Mr. Johan Reyneke and Me. Maria Moeketsi – 14% of the total remuneration package, to be paid pro-rata based on number of months acted on the position;
- c) Director Corporate Support Service – Dr. Solomon Motingoe – 14% of the total remuneration package;
- d) Director Environmental Health and Emergency Services – Me. N Baleni – 14% of the total remuneration package;
- e) Acting Director Project Management and Public Works – Me. Nonhlanhla Baleni – 14% of the total remuneration package to be calculated pro-rata considering that employee is an acting incumbent on the position; and
- f) Acting Director Local Economic Development and Tourism – Dr. Solomon Motingoe – 14% of the total remuneration package to be calculated pro-rata considering that employee is an acting incumbent on the position

ITEM 19

**APPOINTMENT OF COMMERCIAL BANKING SERVICES
CHIEF FINANCIAL OFFICER**

RESOLVED

For Attention:

That Council approve the appointment of Standard Bank Limited awarded the Commercial Banking Contract for a five (5) year period 2021-22 to 2025-26.

*Chief Financial
Officer*

E. CLOSING.

Upon closure, the Speaker thanked the almighty for protecting all from the COVID-19 pandemic till this far after which he requested Cllr. K Khunyeli to close the meeting with a prayer.
