

MASILONYANA

MUNICIPALITY

OFFICE OF THE MAYOR

ADDRESS CORRESPONDENCE TO:

OFFICE OF THE MAYOR

BOX 8, THEUNISSEN, 9410

OUR REF:

MASEPALA



MUNISIPALITEIT

BURGERMEERSTER

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25 January 2017

Mr. Ratoolo Stephen Kau
3630 Faan Hough
Panorama East
Bethlehem
9701

Dear Sir

RE: APPOINTMENT AS ACTING MUNICIPAL MANAGER

This communique serves to notify you about the Council resolution of the 25th January 2017 to appoint you as the Acting Municipal Manager of Masilonyana Local Municipality effective from Thursday, 26 January 2017 for a period not exceeding three months in line with Section 54 of the Local Government: Municipal Systems Act, 2000.

It is hoped that you will find the above in order.

Yours Faithfully

N.A. Mochana
Mayor

CC: Office of the Speaker
Hon. DE. Modise



**THE HONOURABLE MAYOR
MASILONYANA MUNICIPALITY
THEUNISSEN**

Dear Me N Moshana

APPOINTMENT OF THE ADMINISTRATOR FOR MASILONYANA MUNICIPALITY

1. The above mentioned matter bears reference.
2. During the Provincial Executive meeting (herein referred to as Cabinet) was held in Bloemfontein on the 15th March 2017 following resolution was passed:
3. That the municipality of Masilonyana be placed under section 139(1)(b) of the Constitution of the Republic of South Africa (Act No. 108 of 1996).
4. That Mr Steven Kau be appointed as the Administrator effective from 17th March 2017.
5. In terms of section 20, subsection 3 of Government Gazette No 37245 of 17 January 2014, the cost of secondment must be borne by the receiving municipality, taking into consideration the financial capacity of the municipality.
6. Subsection 5 of the same gazette further states that a person seconded, must:
 - (a) Be paid an allowance equal to the difference between the secondee's current salary and the minimum budgeted salary of the position that the secondee acts in; and
 - (b) Be compensated for subsistence and travel incurred during the course and scope of his or her duties, in accordance with the relevant policy of the municipality.



cooperative governance
and traditional affairs
Department of Cooperative Governance
and Traditional Affairs
FREE STATE PROVINCE

7. We hereby determine that the Administrator be paid a fixed allowance amount of R20 000.00 per month with effect from until the Municipality is out from administration.

For further clarity on this matter, please contact my office on 051 – 405 5719

Kind regards

MR MOKETE DUMA

HEAD: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE: 17/03/2017



Member of the Executive Council for
Cooperative Governance, Traditional
Affairs and Human Settlements
FREE STATE PROVINCE

MASILONYANA LOCAL MUNICIPALITY: TERMS OF REFERENCE OF THE ADMINISTRATOR

1. Introduction

The Free State Provincial Executive Council took a resolution on 15 March 2017, to intervene in the Masilonyana Local Municipality in terms of section 139(1)(b) of the Constitution. Subsequently, the Minister of Cooperative Governance approved the intervention in terms of section 139(2) of the Constitution. As one of the approval conditions of the interventions, the Minister requested that "the powers and functions assigned to the designated EXCO Representatives, should be as wide as possible, so that their efforts to stabilize the municipality are not frustrated by the Municipal Council". In this regard, the Terms of Reference conferred to the Administrator of the Masilonyana Local Municipality are enumerated hereunder.

I Mrs. SH Ntombela with power vested unto in terms of 139(1) hereby appoint Mr Steve Kau as the administrator and hereunder gives the following terms of reference;

2. Terms of Reference

The Free State Provincial Government, through the MEC responsible for cooperative governance (Mrs SH Ntombela), has since appointed a provincial representative, or what is widely known as the Administrator, to enforce the intervention in accordance with the mandate bestowed. In this regard, the Mr Kau of Masilonyana Local Municipality is bestowed with the following primary mandates within the municipality:

- (i) Undertake all executive functions of the Municipal Council;
- (ii) Represent the Masilonyana Local Municipality on the Council of the Lejweleputswa District Municipality;
- (iii) Undertake all statutory executive functions of the Mayor;
- (iv) Undertake the functions referred to in section 67(1)(h) and Schedule 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with any other relevant legislative provisions dealing with disciplinary matters, including criminal, disciplinary and civil action;
- (v) Ratify all decisions taken by the Acting Municipal Manager and section 57 managers in terms of delegated or original authority;
- (vi) Together with the Intervention Technical Steering Committee, devise a Financial Recovery and Service Delivery Improvement Plans for the Municipality;
- (vii) Implement a system for the control and approval of all expenditure;
- (viii) Ensure the implementation of financial systems, policies and procedures;
- (ix) Ensure the implementation of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), including preparation or finalization of the valuation roll;
- (x) Set out a specific strategy to address the Municipality's financial problems, including a strategy to reduce unnecessary expenditure and to increase the collection of revenue;

- (xi) Oversee all budgetary processes;
- (xii) Review the organisational structure of the Municipality;
- (xiii) Assist in starting the process of undertaking steps in regard to section 54A, 55 and section 56 of the Systems Act, 2000, where necessary and applicable;
- (xiv) Ensure the alignment of the municipality's Financial Recovery Plan with SALGA's Municipal Audit Support Programme, Revenue Enhancement Programme and the Municipal B2B Phase II Action Plan, as well as any other financial related interventions
- (xv) Facilitating the resolution of the IGR disputes between the municipality and the Department of Water and Sanitation;
- (xvii) Engaging and entering into payment agreements with the third parties currently owed by the Masilonyana Local Municipality;
- (xviii) Reviewing the Masilonyana Local Municipality's organogram and grading with a view of curbing the ballooning salary costs, whilst improving performance; and
- (xix) Submit periodic monthly reports on progress of the intervention to the MEC and the ITSC.

(a) **Secondary and incidental mandates of the Administrator**

- (i) Ensure that the Municipal Council meets regularly and in line with section 18(2) of the Municipal Structures Act, 1998 or as often as is necessary to conduct Council business, in keeping with Council Standing Rules and Orders and all applicable legislation.
- (ii) Revise Council Standing Rules and Orders and Roles and Responsibilities of office bearers, including those of the Municipal Manager and any other senior official, to ensure good governance and legality of all Municipal Council meetings;
- (iii) Ensure that the Acting Municipal Manager and any other senior official ensures good governance and legality at all Municipal Council meetings;
- (iv) Monitor and assess the adherence to policy, principles and frameworks applicable to the Municipal Council and the administration;
- (v) Address challenges in respect of adherence to such policy, principles and frameworks by reviewing, amending and ensuring adoption and implementation thereof;
- (vi) Ratify all executive decisions of the Municipal Council and its committees, prior to implementation;
- (vii) Devise a turn-around strategy for the municipality including a strategy to promote good governance;
- (viii) Ensure the implementation of Municipal Council resolutions by the administration;
- (ix) Implement a system to control and approve all expenditure;
- (x) Implement all governance systems and procedure;
- (xi) Ensure appropriate councillor oversight mechanisms;
- (xii) Ensure the implementation of financial systems, policies and procedures;
- (xiii) Review the organizational structure of the municipality;
- (xiv) Through and in collaboration with the Acting Municipal Manager acting also as an accounting officer, undertake all functions of the Municipal Manager as stipulated in section 55 of the Municipal Systems Act, 2000;
- (xv) Recommend appropriate changes to the municipal budget and revenue raising measures;
- (xvi) Assess contractual obligations of the municipality and negotiate contractual payments, scope and agreed schedule with service providers;
- (xvii) Monitor and assess adherence to municipal policies, principles and frameworks applicable to Municipal Council and the administration;
- (xvii) Monitor and assess adherence to municipal policies, principles and frameworks applicable to Municipal Council and the administration;

- (xviii) Ensure implementation of revenue enhancement policies and by laws;
- (xix) Implementation of reasonable cost cutting measures;
- (xx) Ensure that third parties are being paid by Municipality as;
- (xxi) Ensure compliance with all policy and legislative framework within the municipal space in relation to procurement processes;
- (xxii) Submit periodic monthly reports on progress of the intervention to the MEC and ITSC which addresses measures which have been implemented and addresses itemised issues on the TOR's.

Given under my Hand at BLOEMFONTEIN on this 17th day of March 2017.

HS --- be. 'g

Mrs SH Ntombela

Member of the Executive Council of the Province of Free State responsible for Cooperative Local Government Governance



Member of the Executive Council for
Cooperative Governance and Traditional
Affairs
FREE STATE PROVINCE

Enquiries: Mokete Duma
Head of Department
Tel. No.: 051 – 405 5719
Email: hod@fscogta.gov.za

Office of the Mayor
Masilonyana Local Municipality
Cllr. KS Koalane
P.O. Box 8
THEUNISSEN
9410

Dear Honourable Mayor

TEMPORARY WITHDRAWAL OF THE ADMINISTRATOR: MR STEVE KAU

The above matter refers.

This letter serves to inform you that, after consultation with the Premier, we have decided to temporarily withdraw the Administrator, Mr Steve Kau, from your municipality until the Executive Council (EXCO) would have reviewed its intervention imposed on Masilonyana in terms of s139(1)(b) of the Constitution.

Kindly note that this measure is in no way a lifting of the intervention itself and the Masilonyana Local Municipality remains under administration and therefore, for the period under review, the Director General, Mr Kopung Ralikontsane and the HOD: COGTA, Mr Mokete Duma, will act as co-administrators on behalf of the Executive Council.

Since the intervention has not been lifted, the municipality will be expected to consult with both Messrs. Ralikontsane and Duma on any executive decisions that are to be made and implemented, in line with the Terms of Reference (ToRs) used when the Executive Council invoked s139 (1) (b) in Masilonyana.

Thanking you in anticipation of for your cooperation.


Governance regards

MD Khoabane, MPL
Member of the Executive Council

21st December 2018


EXTRACT FROM THE MINUTES OF ORDINARY COUNCIL MEETING OF MASILONYANA LOCAL MUNICIPALITY HELD ON THE 27 OCTOBER 2017 IN
WINBURG TOWN HALL AT 14H00.

IN ATTENDANCE	
Cllr X Nqwiliso	Acting Mayor
Cllr DE Modise	Speaker
Cllr M Visser	Member of Exco
Cllr TJ Moahi	Member
Cllr BB Mokwena	Member
Cllr VT Pasha	Member
Cllr MS Chabane	Member
Cllr PS Tlahadi	Member
Cllr MS Rakhunoane	Member
Cllr DJ Maselo	Member
Cllr TJ Chele	Member
Cllr BG Rossouw	Member
Cllr TB Molahloe	Member
Cllr MT Hogo	Member
Cllr JA Pienaar	Member
Cllr KE Mokatlise	Member
ME Makgahlola	Acting Administrator
FV Mzizi	Chief Finance Officer
GM Tjolo	HR Manager
ZI Mandla	PLO: Office of the Mayor
T. Molete	Manager: Office of the Speaker
M Diphoko	Secretariat

NO	ITEMS	BACKGROUND	DISCUSSIONS	RESOLUTIONS
10	Matters arising	<p>On matters arising the following were discussed:</p> <ul style="list-style-type: none"> - That Council mandate the Speaker to write a letter to the MEC COGTA for immediate intervention. - That Administrator should be responsible for all his actions and be suspended from the municipality with immediate effect. - MPAC report be tabled before Council. 		<ul style="list-style-type: none"> - A letter be written to MEC of COGTA giving her the 48hrs to respond - Request the term of reference of the administrator - That Administrator be removed from the office. - That Administrator to account for all his actions - That all the decisions that was taken by the Administrator be reversed and be financially liable to them if it needs to be.
<p>Certified to be a true reflection of the original minutes.</p> <p> Cllr DE Modise Speaker</p>				

ABSTRACT FROM THE MINUTES OF SPECIAL COUNCIL MEETING OF MASILONYANA LOCAL MUNICIPALITY HELD ON THE 14TH DECEMBER 2017 IN COUNCIL CHAMBER - THEUNISSEN AT 10H00.

IN ATTENDANCE	
Councillor DE Modise	Speaker
Councillor X Nqwiliso	Acting Mayor
Councillor PE Mabifla	Councillor
Councillor BB Mokwena	Councillor
Councillor MS Chabane	Councillor
Councillor TV Pasha	Councillor
Councillor PS Tlahadi	Councillor
Councillor MS Rakhumoane	Councillor
Councillor TJ Chele	Councillor
Councillor BG Rossouw	Councillor
Councillor LP Ratsiu	Councillor
Councillor TB Molahloe	Councillor
Councillor MT Hogo	Councillor
Councillor KE Mokalolise	Councillor
Councillor JA Pienaar	Councillor
RS Kau	Administrator
P Tshabalala	PMU: Technician
NC Mohapi	Manager: Office of the Mayor
GM Tjolo	Manager: Human resources
T Moahi	IT Technician Trainee
MS Mahula	Secretariat

NO	ITEMS	BACKGROUND	DISCUSSIONS	RESOLUTIONS
12	12.1.1 Appointment of the Municipal Manager.	Section 54A (4)(a) and (b) of the Municipal Systems Act, No 32 of 2000, as amended, set out the procedure with regard to the filling of a vacant post of a municipal manager. The said provisions of the mentioned Act stipulate that the municipality must advertise the vacant post nationally and select from the pool of candidates a suitable person who complies with the prescribed requirements of the post.	<p>The position of the Municipal manager became vacant from the 24th January 2017 when Municipal Manager, Mr. MD Nthau, resigns from the position with an effect.</p> <p>The Department of Cooperative Governance, Traditional Affairs and Human settlement then intervened and seconded Mr RS Kau as the Acting Municipal Manager from the period not exceeding (3) months from the date endorsed by Council.</p> <p>The Municipality advertised the said position and the advert closed on the 23th June 2017.</p>	<p>(a) That Mr. PS Tsekedi be appointed as Municipal Manager of Masilonyana Local Municipality.</p> <p>(b) That Should Mr. PS Tsekedi accept the offer of employment, he may assume duty as Municipal manager as from 01st January 2018.</p> <p>(c) That Council delegates the authority to the Mayor or Acting Mayor and the Administrator to conclude the employment contract and performance agreement that should be in line with the provisions of the Municipal Systems Act, No 32 of 2000 as amended.</p> <p>(d) That the report regarding the appointment of the Municipal Manager be submitted to the MEC: COGTA in accordance with Municipal Systems Act, No 32 of 2000 as amended.</p>
<p>Certified to be a true reflection of the original minutes.</p> <p> Cllr DE Modise Speaker</p>				