

EPHRAIM MOGALE

LOCAL MUNICIPALITY

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EXTRACTS FROM THE MINUTES OF THE 5TH SPECIAL COUNCIL MEETING OF EPHRAIM MOGALE LOCAL MUNICIPALITY HELD ON TUESDAY THE 17TH NOVEMBER 2020

FILE/S : 5/9/2

S.../06/2020: SIGNED SETTLEMENT AGREEMENT ENTERED INTO BY AND BETWEEN EPHRAIM MOGALE LOCAL MUNICIPALITY AND THE MUNICIPAL MANAGER, MS. MATHARA MONICA MATHEBELA (ON SUSPENSION)


RESOLVED

1. That the Council note the circulated report.
2. That an independent lawyer be appointed and given a mandate to proceed with civil claims against the suspended Municipal Manager Ms. Mathara Monica Mathebela as soon as this week
3. That the Acting Municipal Manager implement the decision accordingly.


CLLR L.B. MODISHA
SPEAKER

17 NOVEMBER 2020

FINALISATION BY:

REFERRED TO  BY ACTING MUNICIPAL MANAGER


H.M. PHAAHLA
ACTING MUNICIPAL MANAGER

23-11-2020
DATE RECEIVED

EPHRAIM MOGALE

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EXTRACTS FROM THE MINUTES OF THE 16th SPECIAL COUNCIL MEETING OF EPHRAIM
MOGALE LOCAL MUNICIPALITY HELD ON THURSDAY THE 20th JUNE 2019

FILE/s 5/9/2

SC16/01/2019: PRESENTATION OF THE REPORT OF THE PRESIDING OFFICER ADVOCATE
JIMMY HLONGWANE TO THE MUNICIPAL COUNCIL IN A DISCIPLINARY HEARING
INVOLVING THE MUNICIPAL MANAGER

RESOLVED

1. That Council note the disciplinary hearing report of Municipal Manager Ms Mathara Monica Mathebela as presented by Advocate Hlongwane
2. That Council note the recommendations of the disciplinary hearing report.
3. That Council review the matter to labour court with immediate effect
4. That Acting Municipal Manager Mr. Makoko Lekola must inform Municipal Manager Ms. Monica Mathebela in writing not to report on duty until the matter is finalized.
5. That Acting Municipal Manager implements the decision accordingly.

CLLR. MODISHA L.B

SPEAKER

20th JUNE 2019

FINALISATION BY:

REFERRED TO CORRALIS - HR - LEKOLA BY ACTING MUNICIPAL
MANAGER

M. LEKOLA

ACTING MUNICIPAL MANAGER

DATE RECEIVED

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(5/7/3)

Machaka Incorporated

Email: nakedi@machakalaw.co.za

Dear Sirs,

RE: REVIEW OF THE DISCIPLINARY HEARING REPORT OF THE CHAIRPERSON OF A DISCIPLINARY HEARING INVOLVING THE MUNICIPALITY AND ITS MUNICIPAL MANAGER.

We refer to the above matter.

In its sitting of the 20 June 2019 the municipal council took resolutions, *inter alia*, to note the recommendations of the disciplinary hearing report by the chairperson of your disciplinary hearing, Advocate Jimmy Hlongwane. Council further resolved to review the report of the chairperson, Advocate Hlongwane at the Labour Court with immediate effect.

The municipal council hereby instructs your office to file a review application in the Labour Court in terms of section 158 (1) (g) and (h) of the Labour Relations Act 66 of 1995.

The council is of the view that the sanction meted out is not appropriate to the misconduct given the severity of the charges levelled against the municipal manager. Further that the chairperson of the disciplinary hearing failed to apply his mind on the position of the incumbent in view of the charges and that the presiding officer exceeded his powers conferred to him by clause 12 of the Local Government: Disciplinary Regulation for Senior Managers, 2010 which provided the chairperson of the disciplinary hearing with a list of sanction he may impose in the circumstances.

We attach hereto copies of the Local Government: Disciplinary Regulation for Senior Managers, 2010, charge sheet, disciplinary hearing report and the council resolution for your attention.

Hope the above is in order.

Yours faithfully


M.J. LEKOLA
ACTING MUNICIPAL MANAGER

24/06/19
DATE

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EXTRACTS FROM THE MINUTES OF THE 1ST SPECIAL COUNCIL MEETING OF EPHRAIM
MOGALE LOCAL MUNICIPALITY HELD ON THURSDAY THE 27TH AUGUST 2020

FILE/S : 2/4/3

SC1/12/2020: OUT OF COURT SETTLEMENT ON THE MATTER BETWEEN
EPHRAIM MOGALE LOCAL MUNICIPALITY AND THE MUNICIPAL
MANAGER MS MM MATHEBELA

RESOLVED

1. That Council settles the matter with the municipal manager
2. That Council pay the municipal manager twelve (12) months' salary in full and finalise the settlement.
3. That the municipality manager must tender her resignation immediately upon acceptance of the settlement proposal.
4. That the offer is open for acceptance within a period of five (5) days from the date is communicated to the attorneys representing the municipal manager.
5. That each party pays his/her own costs.
6. That the offer is made in full and final settlement of the matter.

**SC1/12/2020: OUT OF COURT SETTLEMENT ON THE MATTER BETWEEN
EPHRAIM MOGALE LOCAL MUNICIPALITY AND THE MUNICIPAL
MANAGER MS MM MATHEBELA**

7. That the MEC of the province responsible for local government be notified of the council decision.
8. That the acting municipal manager implement the recommendations.



**CLLR. MODISHA LB
SPEAKER**

27 AUGUST 2020

FINALISATION BY:

**REFERRED TO
MANAGER**

Acting Director Corporate services

BY ACTING MUNICIPAL



**PHASHA K.L
ACTING MUNICIPAL MANAGER**

27/08/2020

DATE RECEIVED

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EXTRACTS FROM THE MINUTES OF THE 2nd ORDINARY COUNCIL MEETING OF EPHRAIM MOGALE
LOCAL MUNICIPALITY HELD ON THURSDAY THE 29th OCTOBER 2020

FILE/S : 5/9/2

SC3/01/2020: SIGNED SETTLEMENT AGREEMENT ENTERED INTO BY AND BETWEEN
EPHRAIM MOGALE LOCAL MUNICIPALITY AND THE MUNICIPAL MANAGER,
MS. MATHARA MONICA MATHEBELA (ON SUSPENSION)

RESOLVED

1. That the Council note the circulated report.
2. That the Council differed the item for further information
3. That the Acting Municipal Manager implement the decision accordingly.

CLLR L.B MODISHA
SPEAKER

29 OCTOBER 2020

FINALISATION BY:

REFERRED TO Director Corporate BY ACTING MUNICIPAL MANAGER

H.M-PHAAHLA
ACTING MUNICIPAL MANAGER

10-29-2020
DATE RECEIVED

EPHRAIM MOGALE LOCAL MUNICIPALITY

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EXTRACTS FROM THE MINUTES OF THE 3rd SPECIAL COUNCIL MEETING OF EPHRAIM MOGALE
LOCAL MUNICIPALITY HELD ON THURSDAY THE 22nd OCTOBER 2020

FILE: 4/3/R

SC3/02/2020: RESIGNATION OF THE MUNICIPAL MANAGER OF EPHRAIM MOGALE
LOCAL MUNICIPALITY, MS. MATHARA MONICA MATHEBELA

RESOLVED

1. That the Council note the circulated report.
2. That the Council differed item for further investigation.
3. That the Acting Municipal Manager implement the decision accordingly.

CLLR L.B. MODISHA
SPEAKER

22 OCTOBER 2020

FINALISATION BY:

REFERRED TOBY ACTING MUNICIPAL MANAGER

H.M. PHAAHLA
ACTING MUNICIPAL MANAGER

23-10-2020
DATE RECEIVED

EPHRAIM MOGALE

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19 OCTOBER 2020

NOTICE IS HEREBY GIVEN IN TERMS OF SECTION 29
OF THE MUNICIPAL STRUCTURE ACT NO. 117 OF 1998
AS AMENDED THAT THE 3RD SPECIAL COUNCIL
MEETING OF EPHRAIM MOGALE LOCAL
MUNICIPALITY WILL BE HELD IN THE ZOOM VIDEO
CONFERENCING PLATFORM ON WEDNESDAY,
THE 21ST OCTOBER 2020 AT 14:00. TO CONSIDER THE
AGENDA SET OUT BELOW:


CLLR LB MODISHA
SPEAKER

19/10/2020
DATE

INDEX

3rd SPECIAL COUNCIL MEETING 21st OCTOBER 2020

AT 14H00

1. OPENING
2. APPLICATION FOR LEAVE OF ABSENCE
3. OFFICIAL ANNOUNCEMENTS
 - 3.1 ANNOUNCEMENTS: THE SPEAKER
 - 3.3 ANNOUNCEMENTS: HIS WORSHIP MAYOR
 - 3.3 ANNOUNCEMENTS: COUNCILLORS
 - 3.4 ANNOUNCEMENTS: ACTING MUNICIPAL MANAGER
4. NOTICE OF THE MEETING AND DETERMINATION OF QUORUM
5. DEPUTATIONS AND INTERVIEWS
6. MOTIONS OF SYMPATHY AND CONGRATULATIONS
7. MOTIONS WITHOUT NOTICE
8. DISCLOSURE OF INTERESTS
9. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN
10. REPORTS
 - 10.1. REPORT OF THE SPEAKER
 - 10.2. REPORT OF THE MAYOR

ITEM	DESCRIPTION	PAGES	FILE
SC3/01/2020	SIGNED SETTLEMENT AGREEMENT ENTERED INTO BY AND BETWEEN EPHRAIM MOGALE LOCAL MUNICIPALITY AND THE MUNICIPAL MANAGER, MS. MATHARA MONICA MATHEBELA (ON SUSPENSION)	1-8	5/9/2
SC3/02/2020	RESIGNATION OF THE MUNICIPAL MANAGER OF EPHRAIM MOGALE LOCAL MUNICIPALITY, MS. MATHARA MONICA MATHEBELA	9-12	4/3/R
SC3/03/2020	SANCTION IN RESPECT OF DISCIPLINARY HEARING OF THE DIRECTOR: CORPORATE SERVICES IN LINE WITH CLAUSE 12 (2) OF THE LOCAL GOVERNMENT: DISCIPLINARY REGULATIONS FOR SENIOR MANAGERS, 2010.	13-43	4/7/3

*3rd special council meeting –19 October 2020
2020/2021 financial year*

SC3/04/2020	APPOINTMENT OF AUDIT AND PERFORMANCE COMMITTEE	44-49	3/2/3/10/1
SC3/05/2020	IMPLEMENTATION OF RECOMMENDATIONS OF THE REPORT ON AN INVESTIGATION INTO THE IRREGULAR INVESTMENTS MADE BY 12 LIMPOPO MUNICIPALITIES (LPT 003/2018-V05/N003/2018) INCLUDING EPHRAIM MOGALE LOCAL MUNICIPALITIES AND THE RECOVERY OF IRREGULAR EXPENDITURE IN LINE WITH SECTION 32 (1) (c), (d) and (2) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT NO: 56 OF 2003	50-59	5/9/2

11.DEPUTATIONS AND INTERVIEW

12.CLOSURE

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EXTRACTS FROM THE MINUTES OF THE 3RD COUNCIL MEETING OF EPHRAIM MOGALE
LOCAL MUNICIPALITY HELD ON THURSDAY THE 10 DECEMBER 2020

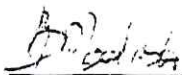
FILE/S: 4/3/R

SC5/07/2020: RESIGNATION OF THE MUNICIPAL MANAGER OF EPHRAIM MOGALE
LOCAL MUNICIPALITY, MS. MATHARA MONICA MATHEBELA

RESOLVED

1. That the Council note the circulated report.
2. That the Council accept the resignation of Ms. Mathara Monica Mathebela from her position as the Municipal Manager of Ephraim Mogale Local Municipality dated the 19th October 2020, with immediate effect. Further that the Council waive the requirement for serving a notice in terms of the Basic Conditions of Employment Act (BCEA) because of the nature of her resignation.
3. That the Council approve to advertise the position of the Municipal Manager in a national (Sunday) newspaper and on the Municipal website respectively as per the relevant legislations and regulations.
4. That the shortlisting and interview panel be constituted by representatives from the following institutions:
 - 4.1 Coghsta.
 - 4.2 Salga Limpopo.
 - 4.3 Provincial Treasury.
 - 4.4 Sekhukhune District Municipality.
- 4.5 That the panel be led by the Municipal Mayor and any other member of Council as may be approved.
5. That the Acting Municipal Manager implement the decision accordingly.

SC5/07/2020: RESIGNATION OF THE MUNICIPAL MANAGER OF EPHRAIM MOGALE
LOCAL MUNICIPALITY, MS. MATHARA MONICA MATHEBELA



CLLR. MODISHA LB

MAKER

10 DECEMBER 2020

FINALISATION BY:

REFERRED TO Acting Manager Legal BY ACTING MUNICIPAL MANAGER



M.H. PHAAHLA

ACTING MUNICIPAL MANAGER

15-12-2020

DATE RECEIVED