



STEVE TSHWETE LOCAL MUNICIPALITY

AGENDA

OF THE

COUNCIL

MEETING

DATE - 26 MARCH 2013

TIME - 17:30



STEVE TSHWETE LOCAL MUNICIPALITY

NOTICE IS HEREBY GIVEN THAT AN
ORDINARY MEETING OF THE COUNCIL
WILL BE HELD IN THE **COUNCIL CHAMBER**,
MUNICIPAL BUILDINGS, MIDDELBURG ON **TUESDAY**,
26 MARCH 2013 AT 17:30



MUNICIPAL MANAGER

STEVE TSHWETE LOCAL MUNICIPALITY

VISION

TO BE THE LEADING COMMUNITY DRIVEN MUNICIPALITY
IN THE PROVISION OF SUSTAINABLE SERVICES AND
DEVELOPMENTAL PROGRAMMES

MISSION

WE ARE COMMITTED TO THE TOTAL WELL BEING
OF ALL OUR CITIZENS THROUGH:

- RENDERING AFFORDABLE, COST-EFFECTIVE, ACCESSIBLE, EFFICIENT AND QUALITY SERVICES;
- EFFECTIVE MANAGEMENT SYSTEMS, PROCEDURES, SKILLED AND MOTIVATED WORKFORCE;
- MAXIMISING INFRASTRUCTURAL DEVELOPMENT THROUGH THE UTILIZATION OF ALL AVAILABLE RESOURCES;
- IMPROVING THE QUALITY OF LIFE BY CO-ORDINATING YOUTH, GENDER AND SOCIAL DEVELOPMENT PROGRAMMES;
- CREATING AN ENABLING ENVIRONMENT FOR ECONOMIC GROWTH AND JOB CREATION;
- ENSURING EFFECTIVE COMMUNITY AND RELEVANT STAKEHOLDER PARTICIPATION AND CO-OPERATION;
- COMPLIANCE WITH THE BATHO-PELE PRINCIPLES;
- TO STRIVE TO SUSTAIN THE FIDUCIARY POSITION OF THE MUNICIPALITY TOWARDS ACHIEVING CLEAN AUDIT

i

A G E N D A

1. OPENING
2. APPLICATIONS FOR LEAVE OF ABSENCE
3. OFFICIAL ANNOUNCEMENTS
4. REPORTS BY THE SPEAKER IN TERMS OF SECTION 15(1) OF THE RULES OF ORDER

COUNCILLOR M J SEKGWELE : RECORDED ABSENT FROM THREE (3) CONSECUTIVE COUNCIL MEETINGS

3/2/1/4 (W)

Report by the Speaker

During the Council meeting which was held on 31 January 2013, a report on the absence of Cllr M J Sekgwele from 3 consecutive Council meetings was submitted for consideration. The matter was referred back for consideration at the next Ordinary Council meeting.

It is against this background that the matter referred to below is put forward for consideration by Council.

In terms of the Rules of Order, Cllr M J Sekgwele was recorded absent from the following three consecutive Council meetings:

Meeting	Date recorded absent
Ordinary Council	29/11/2012
Ordinary Council (continuation meeting)	10/12/2012
Special Council	10/12/2012

In terms of Section 15 of the Rules of Order, Council is requested to consider the above matter.

FOR CONSIDERATION BY THE COUNCIL

5 APPLICATIONS AND APPEALS FROM COUNCILLORS IN TERMS OF SECTION 14 OF THE RULES OF ORDER

6 MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

7 MOTIONS OF SYMPATHY AND CONGRATULATIONS BY OTHER COUNCILLORS

8 DISCLOSURE OF INTERESTS

9 MINUTES OF THE PREVIOUS MEETING OR MEETINGS

9.1 *Ordinary Meeting of the Council held on 31 January 2013*

9.2 *Special Meeting of the Council held on 28 February 2013*

10 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

11 REPORTS BY THE EXECUTIVE MAYOR

11.1 *Report of the SPECIAL Meeting of the Mayoral Committee held on 01 February 2013:*

Non Delegated Powers : -

Delegated Powers : SM52/01/2013

11.2 *Report of the 03rd/2013 Meeting of the Mayoral Committee held on 14 February 2013:*

Non Delegated Powers : -

Delegated Powers: : M01/02/2013

11.3 *Report of the SPECIAL Meeting of the Mayoral Committee held on 28 February 2013:*

Non Delegated Powers : -

Delegated Powers : SM26; 27/02/2013

11.4 Report of the 4th/2013 Meeting of the Mayoral Committee held on 20 March 2013:

*Non Delegated Powers : C02;C03; C04;C05;C07;C11;C12;C14;C15;
C18;C19;C20;C21;C22/02/2013*

Delegated Powers : M06;08;09;10;13;16;17;23/02/2013

11.5 Report of the 5th/2013 Meeting of the Mayoral Committee held on 14 March 2013:

Non Delegated Powers : -

Delegated Powers : M01/03/2013

11.6 Report of the 6th/2013 Meeting of the Mayoral Committee held on 20 March 2013:

Non Delegated Powers : C06;C11;C12;C13;C15;C17;C19;C23/03/2013

*Delegated Powers : M02;03;04;05;07;08;09;10;14;16;18;
20;21;22;24/03/2013*

12 MOTIONS

13 DEFERRED ITEMS

14 CLOSURE

REPORT OF THE

SPECIAL

**MEETING OF THE MAYORAL COMMITTEE
WHICH WAS HELD IN THE COUNCIL CHAMBER,
MUNICIPAL BUILDING, MIDDELBURG MPUMALANGA, ON**

2013/02/01

SM52/01/2013

LOCAL GOVERNMENT TURN AROUND STRATEGY MUNICIPAL PROFILING EXERCISE

12/3/3 (K)/iec

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the completed Local Government Turn Around Strategy profile be approved and submitted to the Provincial Department of Co-operative Governance and Traditional Affairs.

REPORT OF THE

03rd/2013

ORDINARY MEETING OF THE MAYORAL COMMITTEE
WHICH WAS HELD IN THE COUNCIL CHAMBER,
MUNICIPAL BUILDING, MIDDELBURG MPUMALANGA, ON

2013/02/14

M01/02/2013

FINANCES: FINANCIAL MONTHLY REPORT FOR JANUARY 2013

9/3/1 (P)

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the monthly report for January 2013, which includes the status of assets in support of Clean Audit 2014, be noted.
2. **THAT** permission be granted to the Executive Director: Financial Services to submit the report in both electronic and hard copy format to the National and Provincial Treasury.
3. **THAT** permission be granted to the Executive Director: Financial Services to place the monthly report for January 2013 on the municipal website.

REPORT OF THE

SPECIAL

MEETING OF THE MAYORAL COMMITTEE
WHICH WAS HELD IN THE COUNCIL CHAMBER,
MUNICIPAL BUILDING, MIDDELBURG MPUMALANGA, ON

2013/02/28

SM26/02/2013

FINANCES: PROGRESS ON ROLL-OVER PROJECTS

9/3/1 (B)/wm

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the progress report on the implementation of Roll-Over projects as submitted by the Executive Directors, be noted.
2. **THAT** the Municipal Manager attends to the implementation of the Roll-Over projects as a matter of urgency.
3. **THAT** disciplinary action will have to be taken if no tangible reasons are brought forward regarding the completion of Roll-Overs projects.
4. **THAT** no performance bonuses be paid to Executive Directors who's departments has failed to implement the Capital Projects and Roll-Over projects.
5. **THAT** in future the implementation of Capital Projects should form part of the Director's performance contracts.
6. **THAT** it be noted that the Mayoral Committee was disturbed by the fact that although the Executive Director: Infrastructure Services was at work he did not attend the special meeting arranged on the progress on Roll-Over projects.

SM27/02/2013

LEGAL ACTION: MIDWAY MALL (PTY) LTD V/S STEVE TSHWETE LOCAL MUNICIPALITY

13/4/1 (L)/iec

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the Council's legal representatives be authorised to "without prejudice" accept the proposed offer of settlement wherein the Municipality will pay an amount of R1,5 million to Midway Mall (Pty) Ltd in full and final settlement of the claim and the Plaintiff's [Midway Mall (Pty) Ltd] taxed or agreed party and party costs.
2. **THAT** the offer of settlement be made the order of court.
3. **THAT** permission also be granted to the Council's legal representatives to impose any further terms and conditions which they deem fit to protect the interest of the Council and give effect to the above-mentioned offer of settlement.
4. **THAT** a further report be submitted should the vote overspend by 30 June 2013 to approve the expenditure through an adjustment budget in terms of Section 29 of the MFMA.

REPORT OF THE

4th/2013

ORDINARY MEETING OF THE MAYORAL COMMITTEE
WHICH WAS HELD IN THE COUNCIL CHAMBER,
MUNICIPAL BUILDING, MIDDELBURG MPUMALANGA, ON

2013/03/20

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**NON
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C02/02/2013

LAND: APPLICATION TO LEASE A PORTION OF PORTION 180 OF THE FARM BOSMANSPAN 199 IS, KWAZAMOKUHLE

7/2/3/2/7 (L)/iec

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Resolutions C01/09/2009 and BA20/08/2010 be rescinded due to the failure of the applicant to accept the Resolutions so that the lease agreement can be concluded.
2. **THAT** the costs already incurred by the Council be recovered from the applicant.

C03/02/2013

LAND: APPLICATION TO LEASE A PORTION OF THE REMAINDER OF PORTION 27 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS 287 JS FOR THE PURPOSE OF PARKING TRUCKS

7/2/1/3 (L)/im

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Resolutions C29/06/2011 and BA06/01/2012 be rescinded due to failure of the applicant to provide their particulars so that the lease agreement can be concluded.
2. **THAT** the costs already incurred by the Council be recovered from the applicant.

C04/02/2013

LAND: APPLICATION TO PURCHASE A PORTION OF THE REMAINDER OF PORTION 27 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS 287 JS; WEDDING EVENTS AND RECREATIONAL FACILITY

7/2/3/2 (L)/iec

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. That Resolutions C16/03/2012 and BA12/07/2012 be rescinded due to the failure by the applicant to pay the purchase price so that the deed of sale can be concluded.
2. That the costs already incurred by the Council be recovered from the applicant.

C05/02/2013

LAND: APPLICATION TO LEASE A PIECE OF LAND NEAR MIDDELBURG DAM FOR STORING BOATS

7/2/1/3 (L)/iec

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Council Resolution C11/05/2012 be rescinded due to non-acceptance of the said resolution by the applicant

C07/02/2013

LAND: APPLICATION TO PURCHASE ERF 622 ROCKDALE FOR BUSINESS PURPOSES

7/2/3/2/15 (E)/yb

[MM 68778, 72038, 74293 & 76333]

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Council confirm that Erf 622 Rockdale ("the Property") is not needed for the provision of basic level of municipal services as stipulated in Section 14(2) of the Municipal Finance Management Act 56 of 2003 ("the MFMA").
2. **THAT** the applications to purchase the property not be approved and the applicants be informed accordingly.
3. **THAT** the property be alienated / sold through a competitive bidding process subject to the following conditions:
 - 3.1 **That** the property be utilised solely for business purposes.
 - 3.2 **That** the reserve price be R57 000,00 (Fifty Seven Thousand Rand) excluding VAT.
 - 3.3 **That** the property be revalued should the transaction not be concluded within 12 months from the date of valuation (29/10/2012).
 - 3.4 **That** the payment of the purchase price be strictly cash as in terms of Section 47(3)(aa) of the Supply Chain Management Policy of the Council.
 - 3.5 **That** the successful bidder priorly provides a cash deposit to cover bulk service contributions and service connection costs.
 - 3.6 **That** proceeds received from the sale be allocated to vote number 929/301 (Rockdale : Sale of Land).
 - 3.7 **That** the said portion be removed from the asset register and it be written off at the carrying amount.
 - 3.8 **That** the net gain or loss which will realize from the alienation and disposal of property be recognized in the statement of financial performance.

C11/02/2013

LAND: APPLICATION TO LEASE A PORTION MEASURING 4430M² OF ERF 7743 MIDDELBURG EXTENSION 23

7/2/1/3; 7/2/3/2 (E)/yb

[MM 58331]

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** paragraph 3.5 of Council Resolution C51/06/2011 be amended to read as follows:
 - 1.1 **That** the access to the 4 430m² of Erf 7743 Middelburg Extension 23 be allowed along Mandela Drive subject to the following conditions:
 - 1.1.1 **That** the access to the identified piece of land must be aligned with the access to Erf 7741 Middelburg Extension 23, alternatively left in and left out should be implemented.
 - 1.1.2 **That** the appropriate road traffic signs be installed.
 - 1.1.3 **That** the area be properly fenced off to the satisfaction of the Municipality.
 - 1.1.4 **That** due to existing Eskom lines on the Remainder of Erf 7743 Middelburg Extension 23 next to the church, no cars should be parked underneath the lines.
 - 1.1.5 **That** the parking should start at least 8m from the edge of the last line.
 - 1.1.6 **That** should electricity be required, bulk service contribution and service connection will be to the cost of the applicant.
 - 1.1.7 **That** no permanent structure should be erected underneath the lines.
 - 1.1.8 **That** note be taken that Portion 1 of Erf 7743 Middelburg Extension 23 has no access to sewer and connection should be done at the cost of the applicant if and when needed.

C12/02/2013

LAND: APPLICATION FOR RENEWAL OF A LEASE AGREEMENT : ERF 292 KWAZAMOKUHLE TOWNSHIP : VODACOM BASE STATION

7/2/1/3 (T)/yb

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** the Council approve the application to renew the Lease Agreement in respect of Erf 292 Kwazamokuhle Township, Hendrina for the purpose of a Vodacom base station subject to the following conditions:

- 1.1 **That** the Lease Agreement be renewed for three (3) years with an option to renew for a further three (3) years.
- 1.2 **That** the lease amount be R1 550,00 (One Thousand Five Hundred and Fifty Rand) per month excluding VAT.
- 1.3 **That** there be a 10% escalation per annum which is reviewable on a three (3) yearly basis.
- 1.4 **That** the subject property be re-valuated should a transaction not be concluded within 12 months from the date of evaluation.
- 1.5 **That** the lessee be responsible for the adhoc maintenance of the structure (base station).
- 1.6 **That** any power requirements or changes be for the cost of the applicant.

C14/02/2013

LAND: APPLICATION TO PURCHASE A PORTION OF ERF 9058 EXTENSION 06, MHLUZI FOR PRE-SCHOOL PURPOSES

7/2/3/2 (E)/yb

[MM61922]

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Council confirm that a Portion of Erf 9058 Extension 6, Mhluzi measuring 2000m² is not needed for the provision of basic level of municipal services as stipulated in Section 14(2) of the Municipal Finance Management Act 56 of 2003.
2. **THAT** the applications to purchase the property not be approved and the applicants be informed accordingly.
3. **THAT** the property be alienated / sold through a competitive bidding process subject to the following conditions:
 - 3.1 **That** the property be utilised solely for pre-school purposes.
 - 3.2 **That** the market value be R46 000,00 (Forty Six Thousand Rand), excluding VAT.
 - 3.3 **That** the property be re-valued should the transaction not be concluded within 12 months from the date of valuation (08/10/2012).
 - 3.4 **That** the payment of the purchase price be strictly cash as in terms of Section 47(3)(aa) of the Supply Chain Management Policy of the Council.
 - 3.5 **That** the applicant priorly provide a cash deposit to cover:
 - bulk service contribution

- service connection cost; and
 - sub- division.
- 3.6 **That** proceeds received from the sale be allocated to vote number 925/601 (Township Development Suspense Account : Sale of Land : Mhluzi Extension 6).
- 3.7 **That** the land be removed from the fixed asset register and it be written off at the current replacement cost.
- 3.8 **That** the net gain or loss which will realize on the disposal of the property be recognized in the statement of financial performance.

C15/02/2013

LAND: APPLICATION FOR DONATION OF ERF 328 ROCKDALE EXTENSION 00 FOR THE PURPOSE OF ERECTING A HOME BASED CARE CENTRE

7/2/3/3 (E)/yb

[MM 60286]

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Council confirm that Erf 328 Rockdale ("the property") is not needed for the provision of the basic level of municipal services.
2. **THAT** the donation of the property for the purpose of erecting a home based care centre be approved subject to the following conditions:
 - 2.1 **That** the Accounting Officer be authorised to dispose of the property in terms of Section 44 of the Council's Supply Chain Management Policy.
 - 2.2 **That** the applicant be responsible for bulk service contribution and connection costs and provide deposit to cover these expenses.
 - 2.3 **That** although the property is donated, the Council confirm that the market value of the property is R91 000,00 (Ninety One Thousand Rand) excluding VAT.
 - 2.4 **That** the portion of land be removed from the fixed asset register and be written off at the carrying value.
 - 2.5 **That** the net gain or loss which will realise on the disposal of the capital asset be recognised in the Statement of Financial Performance.
 - 2.6 **That** the property be utilised only for the home based care centre and related uses.
 - 2.7 **That** applicant bears the costs of registration of the property in its name.

- 2.8 **That** the building plans be submitted by the applicant prior to any development taking place on the property.
- 2.9 **That** the deed of donation be concluded between the applicant and the Council.
- 2.10 **That** Council be granted permanent representation with full voting rights on the legal entity to which the property is to be transferred.
- 2.11 **That** the remission of assessment rates be granted subject to the Council's Rates Policy.
- 2.12 **That** should the property not be utilised for the purpose for which it was donated for a period of 6 (six) months or developed within a period of 36 (thirty six) months from the date of signing the deed of donation, the property shall revert to Council, which costs shall be for the account of the applicant.
- 2.13 **That** should the property revert to Council, the applicant not be compensated for the improvements that have been effected.
- 2.14 **That** all applicable policies in respect of the donation of immovable property be adhered to.
- 2.15 **That** the donation of the property be advertised in terms of Section 79(18) of the Local Government Ordinance 17 of 1939, as amended read together with Section 21 of the Municipal Systems Act 32 of 2000, as amended and Section 113 of the Municipal Finance Management Act 56 of 2003 and Section 44 of the Council's Supply Chain Management Policy.
- 2.16 **That** the applicant submit a proof of their financial capability to erect a Home Based Care Centre prior to the signing of the agreement.

C18/02/2013

LAND: APPLICATION TO PURCHASE PORTION 6 OF ERF 1588 MHLUZI FOR RESIDENTIAL PURPOSES

7/2/3/2/3 (E)/yb

[MM 69022]

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Council confirm that Erf 1588 Mhluzi Extension 00 is not needed to provide the minimum level of basic municipal services.
2. **THAT** the Accounting Officer be authorised to alienate the 6 (six) portions of Erf 1588 through public bidding processes.
3. **THAT** the market value of the newly created erven be determined after all necessary town planning processes (subdivision, rezoning, etc.) are concluded.

4. **THAT** the payment of the purchase price be strictly cash as in terms of Section 47(3)(aa) of the Supply Chain Management Policy of the Council.
5. **THAT** the applicant priorly provides a cash deposit to cover costs for the re-routing of services.
6. **THAT** proceeds received from the sale be allocated to vote number 935/511 (Land Trust Fund : Mhluzi Proper).
7. **THAT** the portion of land be removed from the fixed asset register once subdivide and it be written off at current replacement cost.
8. **THAT** the net gain or loss which will realise on the disposal be recognized in the statement of financial performance.

C19/02/2013

LAND: APPLICATION TO PURCHASE ERF 9965 EXTENSION 06 MHLUZI

7/2/3/2 (E)/yb

[MM 61784]

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Council confirm that Erf 9965 Extension 06 Mhluzi is not needed to provide the minimum level of basic municipal services.
2. **THAT** the application to purchase Erf 9965 Extension 06 Mhluzi measuring 202m² in extent, be approved.
3. **THAT** the Municipal Manager / Accounting Officer be authorized to dispose of the property in terms of Section 79(18) of Local Government Ordinance 17 of 1939 as amended and Section 44 of the Council's Supply Chain Management Policy read together with the provisions of the Municipal Systems Act and the Municipal Finance Management Act.
4. **THAT** the market value for the subject property be R14 000.00 (Fourteen Thousand Rand) excluding VAT (land value only).
5. **THAT** the property be re-valued should a transaction not be concluded within 12 months from the date of valuation (03/12/2012).
6. **THAT** connection for electrical and engineering services be for the cost of the applicant.
7. **THAT** the payment of the purchase price be strictly cash as in terms of Section 47(3)(aa) of the Supply Chain Management Policy of the Council.
8. **THAT** proceeds received from the sale be allocated to vote number 926/601 (Township Development Suspense Account : Sale of Land : Mhluzi Extension 6).

C20/02/2013

LAND: APPLICATION TO LEASE A PORTION OF THE REMAINDER OF PORTION 27 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS 287 JS FOR DRIVING SCHOOL PURPOSES

7/2/1/3 (E)/yb

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Council take note of the report by the Executive Director : Corporate Services.
2. **THAT** Resolutions C11/08/2011 be rescinded due to failure of the applicant to respond to Council's letters regarding the lease of a portion of the Remainder of Portion 27 of the farm Middelburg Town and Townlands 287 JS for driving school purposes.

C21/02/2013

LAND: APPLICATION FOR RENEWAL OF A LEASE AGREEMENT : PORTION 170 OF THE FARM MIDDELBURG TOWN & TOWN LANDS 287 JS MIDDELBURG WEST : VODACOM

7/2/1/3 (T)/yb

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** it be confirmed that Portion 170 of the farm Middelburg Town and Townlands 287 JS is not needed to provide a minimum level of basic Municipal Services in terms of Section 14 (2) of the Municipal Finance Management Act.
2. **THAT** Council authorise the Accounting Officer to alienate the property in terms of Section 44 of the Supply Chain Management Policy of the Council.
3. **THAT** the application to renew the Lease Agreement be approved subject to the following conditions:
 - 3.1 **That** the rental amount be determined at R2 700.00 (Two Thousand Seven Hundred Rand) excluding VAT with an escalation of 10% per annum to be reviewed on a 3 (three) yearly basis.
 - 3.2 **That** the Lease Agreement be renewed for a period of 3 years with an option to renew for a further 3 years period.
 - 3.3 **That** proceeds received from the lease be allocated to vote number 555/020 (Fixed Property: Rental Land).

C22/02/2013

LAND: APPLICATION TO LEASE A PORTION OF THE REMAINDER OF PORTION 148 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS 287 JS FOR THE PURPOSE OF STORING AND PARKING BUSES

7/2/1/3 (T)/yb

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Council confirm that a portion of the Remainder of Portion 27 of the farm Middelburg Town and Townlands 287 JS measuring 2 000m² ("the property") is not needed to render basic level of municipal services.
2. **THAT** the Accounting Officer be authorised to alienate this property as an unsolicited bid.
3. **THAT** the application to lease the property be approved subject to the following conditions:
 - 3.1 **That** the period of the Lease Agreement be 3 years with an option to renew for a further 3 years.
 - 3.2 **That** the area to be lease be 2 000m² in extent.
 - 3.3 **That** the property be fenced off at the cost of the applicant to the satisfaction of Council.
 - 3.4 **That** the final location of the 2 000m² piece of property be determined by the Director : Town Planning & Human Settlement and Director : Civil Engineering Services.
 - 3.5 **That** the rental amount be R1 300.00 per annum excluding VAT with 10% escalation per annum from the commencing date of the agreement.
 - 3.6 **That** the property be used only for storing and parking of busses.
4. **THAT** the lease amount be reviewed after 12 months from the date of valuation (10/12/2012) should a lease agreement not be concluded.
5. **THAT** the proceeds received from the lease be allocated to vote number 555/020 (Fixed Property : Rental Land).
6. **THAT** the proposed lease be advertised in terms of Section 79 of the Local Government Ordinance 17 of 1939, as amended read together with Section 21 of the Municipal Systems Act 32 of 2000, as amended, Section 113 of the Municipal Finance Management Act 56 of 2003 and Section 44 of the Council's Supply Chain Management Policy.

**DELEGATED
POWERS**

M06/02/2013

FINANCES: WATER METER AUDIT

16/1/1/R, 2/4/13 (M)/ls

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the report by the Executive Director: Financial Services regarding a water meter audit that will be done from the end of January 2013, be noted.
2. **THAT** once the audit is done as mentioned in paragraph 1 above, a further report be submitted on the outcomes of the audit.

M08/02/2013

LAND: APPLICATION TO PURCHASE STAND 271 KWAMAMPIMPANE FOR RESIDENTIAL PURPOSES

7/2/3/2/8 (L)/iec

[MM 70234]

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the application to purchase Erf 271 KwaMampimpane or any other stand in KwaMampimpane for residential purposes not be approved due to the following reasons:
 - 1.1 That the stands in KwaMampimpane are earmarked for low-cost housing development project.
 - 1.2 That there is a shortage of serviced land for low-cost housing.
 - 1.3 That there are ±24 425 people who are on the housing waiting list, applied since 1997- 2010.
2. **THAT** due to the fact that part of this area is a wet land sufficient measures be put in place with the development of low cost houses in future.

M09/02/2013

TOWN PLANNING: APPROVAL OF BUILDING PLANS FOR BUILDING ON ERVEN SITUATED BELOW THE 1:50 AND 1:100 YEAR FLOODLINES

15/4/3 (C)/yb

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** Council take note of the report by the Executive Director : Infrastructure Services on approval of building plans for building on erven situated below the 1:50 and 1:100 year floodlines.
2. **THAT** this request be referred to the 2013 /2014 budget to be prioritized with all other requests for additional expenditures which were not previously budgeted for.

M10/02/2013

**COUNCIL FACILITIES: SPORTS AND RECREATION DEVELOPMENT PLAN
2012/2013**

17/7/R (X)/ls

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** Council take note of the sports and recreation development plan 2012/2013 report.
2. **THAT** Council approve the sports and recreation year plan.
3. **THAT** the youth development office be granted permission to establish ward sport committees, working together with the office of Public Participation.
4. **THAT** the proposed sport and recreation programmes for 2012/2013 financial year be implemented with the available funds on the 2012/2013 annual budget.

M13/02/2013

**PUBLIC SERVICES: QUARTERLY REPORT FROM OCTOBER TO DECEMBER
2012**

9/2/3 (X)/ls

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the report by the Acting Executive Director: Community Services on Vehicle Accidents from October to December 2012, be noted.

M16/02/2013

SALE IN EXECUTION: STAND 2450 KWAZAMOKUHLE EXTENSION 2

7/2/3/2/7 (E)/yb

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the amount of R100,00 be paid against vote number 100/500 (Council's General : Legal Costs);
2. **THAT** the outstanding amount of R28 985,99 for Stand 2450 Kwazamokuhle, Extension 2, including any levies in excess of the outstanding balance be written off against vote number 945/040 (Debtor's Debt Impairment : Consumers);
3. **THAT** one of the Council's Attorneys be requested to attend to the re-transfer of the above-mentioned stand into Council's name and costs thereof be allocated to vote number 120/500 (Council's General : Legal Costs);
4. **THAT** the above-mentioned stand be re-instated as inventory and be resold over the counter.

5. **THAT** Council take note that the fair market value of Erf 2450 Kwazamokuhle Extension 2 be R7 000.00 (Seven Thousand Rand) excluding VAT.

M17/02/2013

SPORT: REQUEST TO HOST 2013 SOUTH AFRICAN MUNICIPAL SPORT AND RECREATION ASSOCIATION GAMES

12/2/1/9 (B)

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** SAMSRA urgently take this matter up with National Treasury to clarify the participation of municipalities in this event before any funds and/ or facilities are committed to be a host municipality.
2. **THAT** upon finalisation of 1 above, a further report be submitted by the Executive Director : Corporate Services.

M23/02/2013

FINANCES: SALE IN EXECUTION OF STAND 567 HENDRINA AND 2500 KWAZAMOKUHLE EXTENSION 2

7/2/3/2/7 (T)/em

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** note be taken that an amount of R200,00 was paid for the above stands and that it was debited against vote number 120/500 (Council's General : Legal Costs).
2. **THAT** an amount of R55 399,81 for Stand 567 Hendrina and an amount of R26 614,79 for Stand 2500 Kwazamokuhle Extension 2 including any levies in excess of this outstanding balance be written off against vote number 945/040 (Debtors : Debt Impairment : Consumers).
3. **THAT** one of Council's Attorneys be requested to attend to the re-transfer of both stands into Council's name and the costs thereof be allocated to vote number 120/500 (Council's General : Legal Costs).
4. **THAT** Erf 567 Hendrina ("the property") be rezoned from "Residential 1" to "Public Open Space" due to the fact that the property is situated under the 1:50 floodline and not be put on the list of erven to be sold to the public in future.
5. **THAT** Council take note that the fair market value of Erf 2500 Kwazamokuhle Extension 2 as determined by the Director : Property & Valuation Services as on 15 July 2010 is R6 270.00 (Six Thousand Two Hundred and Seventy Rand) excluding VAT.
6. **THAT** Erf 2500 Kwazamokuhle Extension 2 be added on the list of erven to be sold to the public in future.

REPORT OF THE

05th/2013

ORDINARY MEETING OF THE MAYORAL COMMITTEE
WHICH WAS HELD IN THE COUNCIL CHAMBER,
MUNICIPAL BUILDING, MIDDELBURG MPUMALANGA, ON

2013/03/14

M01/03/2013

FINANCES: FINANCIAL MONTHLY REPORT FOR FEBRUARY 2013

9/3/1 (P)

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the monthly report for February 2013, which includes the status of assets in support of Clean Audit 2014, be noted.
2. **THAT** permission be granted to the Executive Director: Financial Services to submit the report in both electronic and hard copy format to the National and Provincial Treasury.
3. **THAT** permission be granted to the Executive Director: Financial Services to place the monthly report for February 2013 on the municipal website.

REPORT OF THE

06th/2013

ORDINARY MEETING OF THE MAYORAL COMMITTEE
WHICH WAS HELD IN THE COUNCIL CHAMBER,
MUNICIPAL BUILDING, MIDDELBURG MPUMALANGA, ON

2013/03/20

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**NON
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POWERS**

C06/03/2013

CONTRACTS: SIGNING OF SERVICE LEVEL AGREEMENT ON THE RENDERING OF MUNICIPAL HEALTH (ENVIRONMENTAL) SERVICES WITH NKANGALA DISTRICT MUNICIPALITY

17/1/R (C)/yb

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Council take note of the report by the Executive Director : Corporate Services on the signing of the Service Level Agreement on the rendering of Municipal Health Services with Nkangala District Municipality.
2. **THAT** Council approve the Service Level Agreement attached as **ANNEXURE A** to the agenda.
3. **THAT** the Municipal Manager or Executive Director : Corporate Service be authorised to sign the Service Level Agreement.
4. **THAT** negotiations be undertaken with the Nkangala District Municipality on the funding of Municipal Health Services from 01 July 2013 to determine the effect of it on the municipal budget.

C11/03/2013

LAND: APPLICATION FOR A SITE IN KWAZAMOKUHLE FOR THE PURPOSE OF DEVELOPING A DISABILITY CENTRE

7/2/3/2; 15/4/4/1 (E)/yb

[MM 56212]

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Council confirm that Portion 18 of the farm Bosmanspan 180 IS ("the property") is not needed for the provision of basic level of municipal services.
2. **THAT** the donation of the property for the purpose of developing a disability centre be approved subject to the following conditions:
 - 2.1 **That** Council confirm that the property is not needed to render the basic municipal services.
 - 2.2 **That** the Accounting Officer be authorised to deal with the application as an unsolicited bid.
 - 2.3 **That** the deed of donation be concluded between Council and the applicant within 90 (ninety) days from the date of Council's Resolution.
 - 2.4 **That** the applicant bears the costs of registration of transfer of the property into it's name.
 - 2.5 **That** the property be only utilised for a disability centre and related activities.

- 2.6 **That** should the property not be utilised for the purpose for which it was donated for a period of 6 (six) months or developed within a period of 36 (thirty six) months from the date of signing the deed of donation, the property shall revert to Council, which costs shall be for the account of the applicant.
- 2.7 **That** the remission of assessment rates be granted in accordance with the Council's Rates Policy.
- 2.8 **That** the Council be granted permanent representation with full voting rights on the legal entity to which the property is to be transferred.
- 2.9 **That** the proposed donation be advertised in terms of Section 21 of the Municipal Systems Act 32 of 2000, as amended, read together with Section 79(18) of the Local Government Ordinance 17 of 1939, as amended, Section 113 of the Municipal Finance Management Act 56 of 2003 and Section 44 of the Council's Supply Chain Management Policy.
- 2.10 **That** the cost of subdivision, rezoning, Geotechnical investigation and connection of services be for the account of the applicant.
- 2.11 **That** the engineering services be extended and be done at the cost of the applicant.
- 2.12 **That** the applicant priory provide a cash deposit to cover connection and rezoning costs.
- 2.13 **That** the applicant submit a proof of their financial capability to develop and maintain the disability centre prior to the signing of agreement.
3. **THAT** the Council confirm that the fair market value of the erf is R30 600.00 (Thirty Thousand Six Hundred Rand) excluding VAT.

C12/03/2013

ASSET: REQUEST TO WRITE OFF A VEHICLE FROM THE ASSET REGISTER :
BPK 770MP

14/1/1/2/2 (R)/lt

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** Council's vehicle with registration number BPK 770MP be written off from the Council's asset register, be sold at the next public auction and the proceeds be credited against vote 200/001 (Finance: Sale of Assets).

C13/03/2013

**FINANCES: MONTHLY REPORT FOR SUPPLY CHAIN MANAGEMENT:
SECTION 42 : JANUARY 2013**

9/2/2 (M)/wm

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** the monthly report for January 2013 in terms of Section 42 of the Supply Chain Management Policy as submitted by the Executive Director: Financial Services, be noted.

C15/03/2013

**COUNCIL ARRANGEMENTS : ANNUAL DECLARATION OF INTERESTS BY
COUNCILLORS**

3/R (W)

RECOMMENDATION BY THE EXECUTIVE MAYOR

- 1 **THAT** the report by the Executive Director : Corporate Services regarding the submission of the annual declaration of interests of Councillors, be noted.
- 2 **THAT** the following Councillors, who did not submit their annual declarations, be granted a further period of 14 days from the date of this resolution to submit the required declaration forms:
 - 2.1 Cllr B P Ndala
 - 2.2 Cllr M J Sekgwele
 - 2.3 Cllr P M Shongwe
 - 2.4 Cllr P P Tau
- 3 **THAT** if a Councillor did not submit the annual declaration form upon expiry of the 14 days referred to in point 2 above, the matter be reported to the Speaker in terms of Section 95(1)(a) of the Rules of Order.
- 4 **THAT** once all Councillors submitted their forms, a further report be submitted to Council to take individually note of the submitted forms.

C17/03/2013

**FINANCES : MONTHLY REPORT FOR SUPPLY CHAIN MANAGEMENT:
SECTION 42 : NOVEMBER 2012**

9/2/2 (M)/lb

RECOMMENDATION BY THE EXECUTIVE MAYOR

THAT the monthly report for November 2012 as submitted by the Executive Director: Financial Services in terms of Section 42 of the Supply Chain Management Policy, be noted.

C19/03/2013

**COUNCIL ARRANGEMENT: TERMS OF REFERENCE AND RESPONSIBILITIES
OF MONITORING COMMITTEES**

3/2/2/3; 3/2/4/1/21 (V)/nb

RECOMMENDATION BY THE EXECUTIVE MAYOR

- 1 **THAT** the report by the Municipal Manager regarding the functioning of monitoring committees, be noted.
- 2 **THAT** the recommendations of the Municipal Manager regarding the improvement of the monitoring system of Council as contained in the above mentioned report be approved and implemented with effect from 1 April 2013.
- 3 **THAT** prior to the commencement of the meeting the Chairperson compiled a Speaker's list of the meeting and only Councillors recorded in the Speaker's list be allowed to speak during the meeting.

C23/03/2013

PUBLICITY: 2011/2012 ANNUAL REPORT: OVERSIGHT REPORT

9/1/1; 9/1/2 (M)/wm

RECOMMENDATION BY THE EXECUTIVE MAYOR

1. **THAT** the 2011/2012 Annual Report be approved by Council without reservations.

**DELEGATED
POWERS**

M02/03/2013

CONFERENCES: EDUCATION SUMMIT

3/R (X)/tn

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the report by the Municipal Manager (Youth Development) be noted and supported for the following reasons:
 - 1.1. **That** all the relevant stakeholders will play an active role in addressing issues of education within our area, which is the cornerstone of improving socio-economic conditions of communities.
 - 1.2. **That** the programme of action proposed will not impose any financial obligations to the municipality.
2. **THAT** Council adopt and support the Education programme of action.
3. **THAT** Council approves the establishment of the Steve Tshwete Quality Teaching Learning Campaign (Q.T.L.C).
4. **THAT** Ald H Pilodia, The Assistant Director: Youth Development, Mr Adonis, Mr.Tonga, Mrs Skosana, Mr Paul Mthimunye and Mr. Mondly Kgalema be the coordinators of the Steve Tshwete Quality Teaching Learning Campaign (Q.T.L.C).

M03/03/2013

TOWN PLANNING: POINTING OF BOUNDARY BEACONS: PORTION 155 OF ERF 6321 REABOTA - OLD HOSTEL KITCHEN

7/2/1/3 (C)/yb

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** this item be referred back pending an inspection in loco by members of the Mayoral Committee.

M04/03/2013

LAND: TRANSFER OF RDP HOUSES REGISTERED IN THE NAME OF MR. M.J MTHOMBENI INTO THE NAMES OF THE BENEFICIARIES

7/2/1/1 (X)/ls

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the report by the Executive Director: Financial Services regarding the transfer of RDP houses registered in the name of Mr. MJ Mthombeni into the names of the beneficiaries, be noted.
2. **THAT** it be noted that the amount of R283 448,96 including any levies in excess of the outstanding balance will be written off against vote number 945/040 (Working Capital Reserve: Provision of Bad Debts).

M05/03/2013

LEGISLATION: REVIEWAL AND UPDATING OF THE MANUAL IN TERMS OF PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

1/1/1/24 (C)/yb

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** Council approve the reviewed Manual in terms of Promotion of Access to Information Act 2 of 2000 attached as **ANNEXURE B** to the agenda.
2. **THAT** all previous Council resolutions relating to the Manual in terms of Promotion of Access to Information Act 2 of 2000, be rescinded.
3. **THAT** the Manual be published in terms of the Promotion of Access to Information Act 2 of 2000.
4. **THAT** the Manual be lodged with the South African Human Rights Commission.

M07/03/2013

INSTITUTES: ELECTION TO INSTITUTE COUNCIL OF THE INSTITUTE OF MUNICIPAL FINANCE OFFICERS : EXECUTIVE DIRECTOR: FINANCIAL SERVICES

12/2/1/2 (M)/wm

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** permission be granted for the Executive Director: Financial Services to serve as member of the Institute Council as a co-opted member.
2. **THAT** special leave to a maximum of 16 days be granted to the Executive Director: Financial Services for the attendance of this meetings.
3. **THAT** necessary payment of travelling and subsistence for attending the Institute Council meetings be granted.

M08/03/2013

LAND: SALE OF RESIDENTIAL STANDS IN AERORAND

7/2/3/2/1 (Y)/yb

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** Council take note of the report by the Executive Director: Corporate Services on the residential stands in Aerorand which have been sold from 21 September 2011 to 28 January 2013.
2. **THAT** it further be noted that an amount of R57 947 500.00 plus R8 112 800.00 VAT have been received with regard to the sale of the said stands.

M09/03/2013

COUNCIL ARRANGEMENTS: REPORT ON THE STATISTICS OF SERVICE CONNECTIONS FOR RDP HOUSES COMPLETED FOR THE YEAR 2012

16/1/1/1/R; 16/5/R (G)

RESOLVED BY THE EXECUTIVE MAYOR

THAT the report on the statistics on service connections for RDP houses completed for the year 2012 as submitted by the Executive Director : Infrastructure Services, be noted.

M10/03/2013

REPORT ON WARD COMMITTEE AND WARD COMMUNITY MEETINGS: FEBRUARY 2013

3/2/6/1(A)/ tn

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** Council take note of the report regarding Ward Committee and Ward Community meetings that took place after the 31 January 2013 Ordinary Council meeting.

M14/03/2013

FINANCES: QUARTERLY REPORT FOR SUPPLY CHAIN MANAGEMENT: SECOND QUARTER (OCTOBER TO DECEMBER 2012)

9/2/2 (B)/ wm

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the quarterly report for Supply Chain Management : Second Quarter for the period October to December 2012 as submitted by the Executive Director: Financial Services, be noted.

M16/03/2013

LAND: DEVELOPMENT MHLUZI MALL STAND 12941 PORTION 2 TO 6 MHLUZI EXTENSION 4

16/2/R (X)/ls

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the report by the Executive Director: Infrastructure Services regarding the development of the Mhluzi Mall stand 12941 Portion 2 to 6 Mhluzi Extension 4, be noted.
2. **THAT** a 10% discount be granted to RDV Consulting Electrical Engineers on the payment of bulk service contributions for the development of a mall at stand 12941 portions 2 to 6, Mhluzi.

M18/03/2013

YOUTH DEVELOPMENT: MIDDELBURG YOUTH ART DEVELOPMENT CENTRE

5/16/R (X)/ls

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the matter be referred back for investigation and reporting on the R5000 rental that is paid by the Centre.

M20/03/2013

INSTITUTES: NOMINATION OF MIDDELBURG CHAMBER OF COMMERCE AND INDUSTRY IN THE BEST YOUTH ENTREPRENEURSHIP PROJECT CATEGORY- 2013 WORLD CHAMBERS COMPETITION

11/3/2/2 (X)/ls

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the report by the Executive Director: Corporate Services regarding the nomination of Middelburg Chamber of Commerce and Industry in the best youth entrepreneurship project category, be noted.
2. **THAT** the Executive Mayor, or Councillor nominated by him, be delegated to attend the 2013 World Chambers Competition where the Middelburg Chamber of Commerce will be making a presentation.
3. **THAT** the cost for the Executive Mayor or delegate be allocated to vote number 100/510 and 100/230 (Council General: Travelling and Delegation Costs) respectively.
4. **THAT** proof of expenditure for the subsistence allowance be submitted within 30 days after return of the event.

M21/03/2013

PUBLICITY: ASSISTANCE WITH THE ANNUAL FOREVER RESORTS LOSKOP MARATHON TO BE HELD ON 20 APRIL 2013

5/16/R (R)/lt

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** Council note that the Annual Forever Resorts Loskop Marathon will be held on 20 April 2013 and that the requests by the organisers be dealt with by the Executive Directors in terms of Delegated Powers.
2. **THAT** the organisers of the event priorly provide Council with a letter of undertaking which indemnifies Council against any claim which might arise as a result of the activities.

3. **THAT** the organisers be required to provide a written report in accordance of Section 67 of the MFMA, on the utilisation of the donated funds, once the event has taken place.

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4. **THAT** the amount for financial assistance in the amount of R25 000 as budgeted for under vote 130/596 (Grant-in-Aid: Loskop Marathon) be paid to Forever Resorts Loskop Marathon for the mentioned event.
5. **THAT** the organisers of the Forever Resorts Loskop Marathon be invited to a forthcoming Mayoral Committee meeting to make a presentation on the possibility to include a representative of Council on their Organising Committee.

M22/03/2013

COUNCIL FACILITIES: UTILIZATION OF BANQUET HALL BY THE PAUL MTHIMUNYE BURSARY FUND

7/1/1/2/1; 5/16/R (M)/ wm

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the report by the Executive Director: Corporate Services regarding the fundraising gala dinner which is arranged by the Paul Mthimunye Bursary Fund on 12 April 2013 at the Banquet Hall, be noted.
2. **THAT** the Banquet Hall with equipment be made available free of charge for the event mentioned in paragraph 1 above.

M24/03/2013

FACILITIES: ACQUISITION OF ADDITIONAL OFFICE SPACE

17/17/1 (K)nm

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the content of the report by the Municipal Manager regarding progress made on the acquisition of the Landbank Building, be noted.
2. **THAT** the Municipal Manager be delegated to acquire suitable additional office space either through purchase or lease provided that he does not exceed the budgeted amount and the value of such property is confirmed by the Council Valuer.