

STEVE TSHWETE LOCAL MUNICIPALITY

MINUTES

OF THE

COUNCIL

MEETING

DATE - 26 MARCH 2013

**MINUTES OF THE ORDINARY MEETING OF THE
COUNCIL HELD IN THE COUNCIL CHAMBER, MUNICIPAL
BUILDINGS, MIDDELBURG, MPUMALANGA ON TUESDAY,
26 MARCH 2013 AT 17:30**

PRESENT

Councillors

Cllr R M Xaba	(Speaker)	Cllr B C Skosana
Cllr M A Masina	(Executive Mayor)	Cllr O Malinga
Cllr N J Mahlangu		Cllr K N Monareng
Cllr E F Mathebula		Cllr J Matshiane
Cllr D J Motsepe		Cllr N J Nkambule
Cllr S D Nkadimeng		Cllr L E Mkhuma
Cllr E P Nkosi		Cllr M E Nyambi
Ald H Pilodia		Cllr D J Skosana
Cllr E A Jele		Cllr P M Shongwe
Cllr E O Motsepe		Cllr G H E Romijn (arrived 17:37)
Cllr T B Mahlangu		Ald R E Redman (arrived 17:37)
Cllr B Nene		Cllr T G Ndlangamandla (arrived 17:37)
Cllr I Thwala		Cllr A S Grobler (arrived 17:37)
Cllr M J Sekgwele		Cllr J M Motsoeneng (arrived 17:37)
Cllr M T E Mnguni		Cllr A Struwig (arrived 17:37)
Cllr L I Manzini		Cllr J P Pretorius (arrived 17:37)
Cllr Z D Mtshweni		Cllr A Swarts (arrived 17:37)
Cllr P P Tau		Ald E du Toit (arrived 17:37)
Cllr M J Selala		Cllr S J Roos (arrived 17:37)
Cllr B P Ndala		Cllr H F Niemann (arrived 17:37)
Cllr S M Mnguni		Cllr D M Longman (arrived 17:37)
Cllr S A Lukhele		Cllr J Dyason (arrived 17:37)
Cllr M T Selala		Cllr P Mobango (arrived 17:37)
Cllr P M Hadebe		Cllr S Wait (arrived 17:37)
Cllr M R Mnguni		Cllr K P J Uys
Cllr P J Masilela		
Cllr S S Zitha		

Officials:

Mr M Mnguni	(Deputy Municipal Manager)
Adv T Mekuto	(Executive Director: Corporate Services)
Mr E Warambwa	(Executive Director: Infrastructure Services)
Ms E Wassermann	(Executive Director: Financial Services)
Ms C Hlatshwayo	(Executive Director: Community Services)
Mr S Mthethwa	(Acting Director: Legal & Administration)
Mr J Zulu	(Chief Administrative Officer)
Ms N Mahlangu	(Administrative Officer Grade 2)
Ms W M Machinini	(Clerk Grade 1)

Absent

Cllr J Skosana
Cllr B H Mokoena

Temporary absence from the meeting in terms of Section 45(2)(c)

Name of Cllr	1			2			3		
	From	To	Item	From	To	Item	From	To	Item
Cllr NJ Mahlangu	19:22	19:25	C13/03/2013						
Cllr EF Mathebula	18:10	18:11	M01/02/2013	18:30	18:32	SM26/02/2013	19:11	19:12	M17/02/2013
Cllr DJ Motsepe	18:16	18:19	SM26/02/2013	19:05	19:07	M13/02/2013	20:11	20:13	M16/03/2013
Cllr EP Nkosi	19:18	19:20	C11/03/2013						
Cllr TB Mahlangu	19:18	19:21	C11/03/2013						
Cllr O Malinga	19:37	19:40	C23/03/2013						
Cllr KN Monareng	20:12	20:16	M18/03/2013						
Cllr EO Motsepe	18:53	18:55	C14/02/2013	19:45	19:48	C23/03/2013			
Cllr BP Ndala	19:20	19:22	C13/03/2013						
Cllr NJ Nkambule	19:21	19:24	C13/03/2013						
Cllr MJ Selala	18:56		C15/02/2013						
Cllr PM Shongwe	18:30	18:34	SM26/02/2013						
Cllr BC Skosana	20:00	20:02	M10/03/2013						
Cllr PP Tau	18:20	18:25	SM26/02/2013						
Cllr DM Longman	19:58	20:01	M10/03/2013						

1 OPENING

The Speaker welcomed everybody and declared the meeting open.

2 APPLICATION FOR LEAVE OF ABSENCE**RESOLVED**

1. THAT it be noted that Cllr's M Mbatiwe, M S Motebu and S M Mogola have applied for leave of absence due to other obligations and the applications were approved.
2. THAT it be noted that Cllr MJ Selala has applied for leave of absence to leave early.

3 OFFICIAL ANNOUNCEMENTS

None

4 REPORTS BY THE SPEAKER IN TERMS OF SECTIONS 15(1) AND 96(4) OF THE RULES OF ORDER**COUNCILLOR M J SEKGWELE : RECORDED ABSENT FROM THREE (3) CONSECUTIVE COUNCIL MEETINGS**

3/2/1/4 (W)

With the consideration of this item Cllr BP Ndala submitted the following proposal which was seconded by Ald H Pilodia.

"THAT the Councillor's apology be accepted and he be reprimanded."

The proposal was put to vote and the results were as follows:

In favour of the proposal by Cllr BP Ndala = 36
Against the proposal by Cllr BP Ndala = 16

The proposal was therefore accepted.

E. f.

RESOLVED

1. THAT Cllr M J Sekgwele's apology and reasons for not attending the said Council meetings, be accepted.

5 **APPLICATIONS AND APPEALS FROM COUNCILLORS IN TERMS OF SECTION 14(1) AND 71 OF THE RULES OF ORDER**

None

6 **MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER**

The Speaker expressed the following motion of congratulations:

- Wishes to send a heartfelt condolences to the families who lost their loved ones in a car accident on the Stoffberg road (R555) on Monday night, 11 March 2013.
- Congratulated South Africa for hosting the BRICS summit taking place as from 26 March 2013.

7 **MOTIONS OF SYMPATHY AND CONGRATULATIONS BY OTHER COUNCILLORS**

The following Councillors expressed a motion of sympathy or congratulations:

7.1 Cllr A Struwig

- Congratulated the following Councillors with their birthdays that will be celebrated during April 2013; Cllr's Pretorius, Niemann, Wait, Dyason and Ald Du Toit.

7.2 Cllr GHE Romijn

- Express a motion of sympathy to the families of the SANDF members who lost their lives in Central African Republic.

7.3 Cllr JM Motsoeneng

- Expressed a sincere condolences to the family and friends of the late Cllr M Nkosi, his family and friends.

7.4 Cllr S Wait

- Wishes to sent condolences to the parents of the young man who was murdered on Saturday night, 23 March 2013 in the CBD area.
- Expressed a motion of condolences to the families who lost their loved one in the car accident on Stoffberg road (R555).

7.5 Cllr NJ Mahlangu

- Expressed a motion of sympathy to the Executive Director: Infrastructure, Mr E Warambwa with the loss of his father.

7.6 Cllr TB Mahlangu

- Congratulated Cllr SM Mnguni and Cllr EO Motsepe on their birthdays.

E.F.

7.7 Cllr DJ Skosana

- Wishes to sent a belated heartfelt condolences to the family and friends of Lucky Ngubeni a Ward Committee member of Ward 2 in Kwazamokuhle.

7.8 Cllr SD Nkadimeng

- Congratulated Steve Tshwete Local Municipality for being accredited for Level 1 and 2 by the National Department of Human Settlement and for being the first Municipality in the Province to be accredited for Level 1 and 2.

7.9 Cllr MA Masina

- Wishes to sent a heartfelt condolences to the families of the SANDF soldiers who lost their lives while on duty at Central African Republic.
- Congratulated the Community of Doornkop for overwhelming attendance at the Mayoral Outreach that was held on Sunday 24 March 2013.

A moment of silence was observed for those who have lost their loved ones.

8 DISCLOSURE OF INTERESTS

None

9 MINUTES OF THE PREVIOUS MEETING OR MEETINGS

- 9.1 *Ordinary Meeting of the Council held on 31 January 2013.*
 9.2 *Special Council Meeting held on 28 February 2013.*

RESOLVED BY COUNCIL

- 9.1 **THAT** the minutes of the Ordinary Council Meeting held on 31 January 2013, be approved.
- 9.2 **THAT** the minutes of the Special Council Meeting held on 28 February 2013, be approved.

10 QUESTIONS OF WHICH NOTICE HAVE BEEN GIVEN

None

E.F.

REPORT OF THE SPECIAL MEETING OF THE MAYORAL
COMMITTEE HELD ON 01 FEBRUARY 2013

NON DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note that no non delegated matters were considered under this report.

DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note of resolution SM52/02/2013 taken by the Executive Mayor in terms of Delegated Powers.

E.F

REPORT OF THE 03^d/2013 MEETING OF THE MAYORAL
COMMITTEE HELD ON 14 FEBRUARY 2013

NON DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note that no non delegated matters were considered under this report.

DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note of resolution M01/02/2013 taken by the Executive Mayor in terms of Delegated Powers.

E.F

**REPORT OF THE SPECIAL MEETING OF THE MAYORAL
COMMITTEE HELD ON 28 FEBRUARY 2013**

NON DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note that no non delegated matters were considered under this report.

DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note of resolutions SM26 & SM27/02/2013 taken by the Executive Mayor in terms of Delegated Powers.

The Following Councillors requested that their votes be recorded against Resolution SM27/02/2013:

- Cllr SJ Roos
- Cllr JP Pretorius
- Cllr JM Motsoeneng
- Ald E du Toit

E.P.

REPORT OF THE 04th/2013 MEETING OF THE MAYORAL COMMITTEE HELD ON 20 MARCH 2013

NON DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT the report by the Executive Mayor in respect of items C02; C03; C04; C05; C07; C11; C12; C14; C15; C18; C19; C20; C21 & C22/02/2013 be considered.

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

RESOLVED BY COUNCIL

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

RESOLVED BY COUNCIL

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.

E.F.

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

RESOLVED BY COUNCIL

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

RESOLVED BY COUNCIL

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]

RESOLVED BY COUNCIL

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.

E.F.

- 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]

RESOLVED BY COUNCIL

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.

E.F.

C12/02/2013

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

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

RESOLVED BY COUNCIL

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]

RESOLVED BY COUNCIL

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.

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- 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]

RESOLVED BY COUNCIL

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.

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- 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]

RESOLVED BY COUNCIL

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.

E.F.

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)

[MM 61784]

RESOLVED BY COUNCIL

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).

E.F.

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

RESOLVED BY COUNCIL

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

RESOLVED BY COUNCIL

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).

E.F.

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**

7/2/13 (T)/yb

RESOLVED BY COUNCIL

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

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note of resolutions M06; 08; 09; 10; 13; 16; 17 & 23/02/2013 taken by the Executive Mayor in terms of Delegated Powers.

E.F.

REPORT OF THE 05th/2013 MEETING OF THE MAYORAL
COMMITTEE HELD ON 14 MARCH 2013

NON-DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note that no non delegated matters were considered under this report.

DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note of resolution M01/03/2013 taken by the Executive Mayor in terms of Delegated Powers.

E.F

REPORT OF THE 06th/2013 MEETING OF THE MAYORAL COMMITTEE HELD ON 20 MARCH 2013

NON DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT the report by the Executive Mayor in respect of items C06; C11; C12; C13; C15; C17; C19 & C23/03/2013 be considered.

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

RESOLVED BY COUNCIL

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

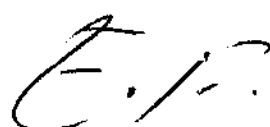
[MM 56212]

RESOLVED BY COUNCIL

1. THAT Council confirm that Portion 18 of the farm Bosmanspan 180 IS measuring 3000m² in extent ("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:

E.F

- 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

RESOLVED BY COUNCIL

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

RESOLVED BY COUNCIL

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)

RESOLVED BY COUNCIL

- 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.

E.F

C17/03/2013

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

9/2/2 (M)/lb

RESOLVED BY COUNCIL

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

With the consideration of this item Cllr GHE Romijn submitted the following proposal which was seconded by Cllr J Dyason:

“THAT in the light of the goals of the Monitoring Committees, the third paragraph be deleted and that the status quo remains as it is.”

The proposal was put to vote and the results were as follows:

In favour of the proposal by Cllr GHE Romijn = 16
Against the proposal by Cllr GHE Romijn = 35

The proposal was therefore not accepted.

The recommendation of the Executive Mayor on this item was then put to vote and the results were as follows:

In favour of the recommendation by the Executive Mayor = 35
Against the recommendation by the Executive Mayoar = 16

The recommendation by the Executive Mayor as contained in the Agenda was therefore accepted.

RESOLVED BY COUNCIL

- 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.

E.F.

C23/03/2013

PUBLICITY: 2011/2012 ANNUAL REPORT: OVERSIGHT REPORT

9/1/11; 9/1/2 (M)/wm

RESOLVED BY COUNCIL

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

DELEGATED POWERS*Upon request by the Executive Mayor, it was***RESOLVED BY COUNCIL**

THAT Council take note of resolution M02; 03; 04; 05; 07; 08; 09; 10; 14; 16; 18; 20; 21; 22 & 24/03/2013 taken by the Executive Mayor in terms of Delegated Powers.

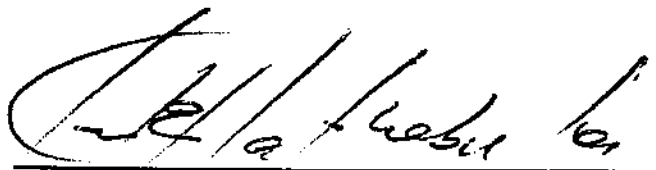
With the consideration of Resolution M16/03/2013 Cllr HF Niemann requested that his vote be recorded against this Resolution.

12 MOTIONS

None

13 DEFERRED ITEMS

None

14 CLOSING**Meeting adjourned at 20:16****SIGNED AT MIDDELBURG ON 31/05/13**


SPEAKER