



STEVE TSHWETE LOCAL MUNICIPALITY

MINUTES

OF

COUNCIL

MEETING HELD ON

TUESDAY, 30 MAY 2017

MINUTES OF THE ORDINARY COUNCIL MEETING HELD
IN THE COUNCIL CHAMBER, MUNICIPAL BUILDINGS
ON 30 MAY 2017 AT 16:00

PRESENT

Councillors

Ald M A Masina
Cllr A M Mabena
Cllr S D Nkadimeng
Cllr M I Kgalema
Cllr M T E Mnguni
Cllr J Matshiane
Cllr J M Mitchell
Cllr D J Motsepe
Cllr A M Mahlangu
Cllr L K Mahlangu
Cllr R G Mamogale
Cllr A B Marumo
Cllr P M Masilela
Cllr Musa Masina
Cllr M N Mathibela
Cllr M Mbatwe
Cllr N C Mkhuma
Cllr T P Mnisi
Cllr T N Morufane
Cllr T P Motau
Cllr T S Motloung
Cllr T E Motsepe
Cllr M C Mphogo
Cllr D L Paul
Cllr M J Sekgwele
Cllr M M Skhosana

Cllr J Skosana
Cllr T R Vilakazi
Ald R M Xaba
Cllr L J N Zondo
Cllr E M Bruiners
Cllr H G De Klerk
Ald E du Toit
Cllr J Dyason
Cllr A S Grobler
Cllr P Mobango
Cllr S M Mogola
Cllr H F Niemann
Cllr K J Phasha
Cllr J P Pretorius
Cllr G H E Romijn
Cllr S J Roos
Cllr P N Sithole
Cllr A Struwig
Cllr D A Stuurman
Cllr T N Van Zyl
Cllr S Wait
Cllr N M Hadebe
Cllr N J Mthombeni
Cllr E Sebesho
Cllr J P Duvenage
Cllr K P J Uys

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Absent

Cllr C Mosoma

Cllr L C Masemola

Cllr P Mailola (In terms of Section 13(1) (b) of the Rules of Order)

Cllr A Mangcotywa (In terms of Section 13(1) (b) of the Rules of Order)

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

Name of Cllr	1		
	From	To	Item
Ald R M Xaba	16:03	16:04	Item 4 - Motions
Cllr M J Mitchell	16:16	16:27	Item 4 - Motions
Cllr M T E Mnguni	16:37	16:40	C04/05/2017
Cllr L K Mahlangu	15:41	15:42	C02/05/2017
Cllr T P Mnisi	16:41	16:44	C04/05/2017
Cllr M M Skhosana	16:16	16:21	Item 4 - Motions
Cllr P M Masilela	16:41	16:42	C04/05/2017
Cllr J Matshiane	16:30	16:33	C01/05/2017
Cllr M Mbatwe	17:43	17:47	M12/05/2017
Cllr A B Marumo	16:41	16:42	C04/05/2017
Cllr E T Motsepe	17:50	17:51	C15/05/2017
Cllr T S Motloubg	16:23	16:25	M35/05/2017
Cllr L J N Zondo	16:16	16:21	Item 4 - Motions
Cllr T N Morufane	17:00	17:05	C04/05/2017
Cllr M C Mphogo	16:35	16:37	C04/05/2017
Cllr M J Sekgwele	16:41	16:42	C04/05/2017
Cllr J Skosana	16:16	16:18	Item 4 - Motions
Cllr T P Motau	17:51	17:54	C15/05/2017
Cllr R Vilakazi	16:21	16:23	Item 7.1 - Appeal
Cllr A S Grobler	17:47	17:49	C14/05/2017
Cllr D A Stuurman	16:09	16:12	Item 4 - Motions
Cllr P Mobango	16:10	16:15	Item 4 - Motions
Cllr K J Phasha	16:38	16:40	C04/05/2017
Cllr J P Pretorius	17:27	17:30	M09/05/2017
Cllr G H E Romijn	17:12	17:14	C05/05/2017
Cllr H G De Klerk	17:59	18:01	C25/05/2017
Cllr A Mangcotywa	16:40	-	C04/05/2017
Cllr P Mailola	16:40	-	C04/05/2017
Cllr K P J Uys	17:00	-	C04/05/2017

Officials

Mr S M Mnguni

(Acting Municipal Manager)

Ms E Wassermann

(Executive Director: Financial Services)

Mr S Mothiba

(Acting Executive Director: Corporate Services)

Mr M Mahamba

(Acting Executive Director: Infrastructure Services)

Ms C Hlatshwayo

(Executive Director: Community Services)

Mr M Masilela

(Director: Legal & Administration)

Mr J Zulu

(Chief Administrative Officer)

Mr M P Mokoena

(Senior Clerk)

Ms D Pillay

(Clerk Grade 2)

1 OPENING

The Speaker welcomed everybody and declared the meeting open.

2 APPLICATIONS FOR LEAVE OF ABSENCE

2.1 Application for leave of absence in terms of Section 13 (1) of the Rules of Order

Resolved

2.1.1 **THAT** note be taken that Cllrs S M Malepeng, T N Van Zyl and S Mogola have applied for leave of absence and their leave were approved due to other obligations.

2.2 Application for leave of absence in terms of Section 13 (2) of the Rules of Order

2.2.1 Cllr L C Masemola

3 DISCLOSURE OF INTEREST

3.1 None

4 ANNOUNCEMENTS (Motions of sympathy and Congratulations by the Speaker and by other Councillors)

4.1 Motions of sympathy and congratulations by the Speaker

The Speaker expressed a motion of sympathy or congratulations as follows:

- Congratulated Steve Tshwete Local Municipality for successfully hosting the "Take a girl child to work" on Thursday, 25 May 2017 and appreciated the schools who managed to release the learners to come and learn on what is done by the Municipalities.
- Congratulated and appreciated Cllr A M Mahlangu and Cllr R Vilakazi on their traditional attire.
- Wishes Cllr T N Van Zyl a speedy recovery.
- The student, Madam Speaker congratulated Cllrs N C Mkhuma, J Dyason, J Skosana, H F Niemann and Ald E A Du Toit on their birthdays.

4.2 Motions of sympathy and congratulations by other Councillors:

The following Councillors expressed a motion of sympathy or congratulations:

4.2.1 Cllr E Sebesho

- Wishes to tender heartfelt condolences to the family of the late EFF member Ms Delphia Choma who passed away on 22 April 2017.

4.2.2 Cllr P Mobango

- Expressed a motion of sympathy to the families that have lost their loved ones in Middelburg during the May month.
- Wishes to send a heartfelt condolences to the families of Karabo Mokoena who was killed by her boyfriend and the student by the name of Vanessa Musavengane who died on Monday morning on a horrific accident when the driver of a VW Jetta skipped the stop street in Kanonkop.
- Congratulate South African Springbok Sevens Team for winning the World Rugby Sevens series Champions Cup.
- Wishes Cllr T N Van Zyl a speedy recovery.

4.2.3 Cllr E M Bruiners

- Wishes to send a heartfelt condolences for the learners who lost their lives in a fatal accident outside Bronkhorstspuit on the 21st of April 2017.

4.2.4 Cllr L J N Zondo

- Congratulated the following Councillors on their birthdays during the May month, Cllrs M I Kgalema, S D Nkadimeng, Musawenkosi Masina, A Mangcotywa, N J Mthombeni and J P Duvenage.

4.2.5 Cllr D J Motsepe

- Congratulated the Department of Civil Engineering on the stunning work they are doing by tarring all the roads and appreciated the fact that they have spent their budget very well.

4.2.6 Cllr S D Nkadimeng

- Wishes to sympathize with the family of Karabo Mokoena who was killed by her boyfriend and the families of other burnt victims; Iyapha Yamile, Courtney Pieters and Nonkie Smous.

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4.2.7 Ald A M Masina

- Congratulated all the stakeholders and Councillors who attended the Education Summit held on 18 to 19 May 2017 at Eric Jiyane Community Hall.
- Sympathized with the family of the late Cllr Thandi Nkosi of Hendrina who was serving at Nkangala District Municipality.
- Expressed a motion of sympathy to all the families who lost their loved ones.
- The Student, Madam Mayor saluted the late great Peter Tosh for ensuring that spirit of unity is for ever promoted amongst Africans through his revolutionary music for example "Mama Africa."

The moment of silent was observed.

5 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

- 5.1 *Ordinary Meeting of the Council held on 30 March 2017.*
- 5.2 *Special Meeting of the Council held on 30 March 2017.*
- 5.3 *Special Meeting of the Council held on 25 April 2017.*

RESOLVED BY COUNCIL

- 5.1.1 **THAT** the minutes of the Ordinary Council Meeting held on 30 March 2017, be approved.
- 5.1.2 **THAT** the minutes of the Special Meeting of the Council held on 30 March 2017, be approved.
- 5.1.3 **THAT** the minutes of the Special Meeting of the Council held on 25 April 2017, be approved.

6 REPORTS OF THE SPEAKER IN TERMS OF RULES 15(1) AND 96(4)

- 6.1 None

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

- 7.1 APPEAL BY ALD R M XABA: IMPOSITION OF A FINE IN TERMS OF SECTION 13(9) OF THE RULES OF ORDER
3/2/1/4 (G)

With the consideration of this matter, Ald R M Xaba made verbal submission whereafter he recused himself from the meeting.

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The following Councillors then verbally proposed that the Recommendation by the Speaker as contained in the Agenda be adopted:

- 7.1.1 Cllr H F Niemann
- 7.1.2 Cllr E Sebesho

RESOLVED BY COUNCIL

1. **THAT** the further report by the Speaker on the appeal received by Ald R M Xaba in terms of Section 14(1) of the Rules of Order, be noted.
2. **THAT** due to the fact that the application for leave of absence submitted by Ald R M Xaba for the Community Safety Political Monitoring meeting held on 6 December 2016 was received after 14 days in terms of Section 13(2) of the then Rules of Order, the appeal by Ald R M Xaba not be granted.

8 REPORTS OF MPAC

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note of Resolutions M11/03/2017 and M35/05/2017 taken by the Executive Mayor in terms of Delegated Powers.

9 QUESTIONS OF WHICH NOTICE HAVE BEEN GIVEN

- 10.1 **THAT** note be taken of the question submitted by Cllr J P Pretorius as well as the reply which was prepared by the Acting Executive Director: Corporate Services on behalf of the Executive Mayor as contained in the Council Agenda.
- 10.2 **THAT** note be taken of the questions submitted by Ald E A Du Toit as well as the reply which was prepared by the Acting Executive Director: Corporate Services on behalf of the Executive Mayor as contained in the Council Agenda.
- 10.3 **THAT** note be taken of the questions submitted by Cllr G H E Romijn as well as the reply which was prepared by the Executive Director: Community Services on behalf of the Executive Mayor as contained in the Council Agenda.

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- 10.4 **THAT** note be taken of the questions submitted by Cllr E M Bruiners as well as the reply which was prepared by the Acting Executive Director: Infrastructure Services on behalf of the Executive Mayor as contained in the Council Agenda.
- 10.5 **THAT** note be taken of the question submitted by Cllr T N Van Zyl as well as the reply which was prepared by the Acting Executive Director: Infrastructure Services on behalf of the Executive Mayor as contained in the Council Agenda.
- 10.6 **THAT** note be taken of the questions submitted by Cllr M Hadebe as well as the reply which was prepared by the Executive Director: Community Services on behalf of the Executive Mayor as contained in the Council Agenda.
- 10.7 **THAT** note be taken of the questions submitted by Cllr E Sebesho as well as the reply which was prepared by the Acting Executive Director: Infrastructure Services on behalf of the Executive Mayor as contained in the Council Agenda.
- 10.8 **THAT** note be taken of the questions submitted by Cllr A Mangcotywa as well as the reply which was prepared by the Executive Director: Community Services on behalf of the Executive Mayor as contained in the Council Agenda.
- 10.9 **THAT** note be taken of the questions submitted by Cllr N J Mthombeni as well as the reply which was prepared by the Executive Director: Community Services on behalf of the Executive Mayor as contained in the Council Agenda.

REPORT OF THE 07th/2017 MAYORAL COMMITTEE HELD ON
13 APRIL 2017

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 M01/04/2017 taken by the Executive Mayor in terms of Delegated Powers.

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REPORT OF THE 08th/2017 MAYORAL COMMITTEE HELD ON
04 MAY 2017

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 C01; 02; 04 ;05; 06 & C10/05/2017 be considered.

C01/05/2017

LETTER OF INTENT TO PURCHASE ENERGY FROM INDEPENDENT POWER PRODUCERS

16/2/R & 8/1/2 (C)/yb

RESOLVED BY COUNCIL

- 1 **THAT** Council take note of the report by the Acting Executive Director: Infrastructure Services.
- 2 **THAT** the companies that submitted proposals be granted approval to do the feasibility study on condition that it is done at no cost to Council.
- 3 **THAT** the Accounting Officer be given permission to issue a letter of intent that must not commit Council after the feasibility study is completed.
- 4 **THAT** should the results of the feasibility study not be favourable, there must be no obligation for Council to continue with the project.
- 5 **THAT** should the results of the feasibility study be favourable, the Supply Chain Management processes must be followed before any further commitments are made.
- 6 **THAT** provision of alternative energy should be weighed up against the applications for the increase of the notified maximum demand (NMD) from Eskom to determine the most suitable cost effective method for Council to obtain additional energy.
- 7 **THAT** engagement on issues relating to tariffs for power to be generated will only be done once the results of the feasibility study are received and shall not be higher than Eskom tariffs.

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C02/05/2017

LAND: APPLICATIONS TO LEASE COUNCIL'S LAND FOR PURPOSES OF EXISTING CELLULAR MASTS

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

[MM 128158]**RESOLVED BY COUNCIL**

- 1 **THAT** Council confirm that the following portions of properties upon which existing telecommunication masts and base stations are situated, are not needed to render the basic level of municipal services and is not needed for the Municipality's own use during the period for which the right to use, control or manage the asset is to be granted:
 - 1.1 Portion of Erf 1877 Middelburg, Extension 4 (Kanonkop); and
 - 1.2 Portion of Erf 5077 Middelburg, Extension 13.

- 2 **THAT** the Accounting Officer be authorized to lease the properties as unsolicited bids.

- 3 **THAT** written Lease Agreements be entered into subject to the following conditions:
 - 3.1 **That** the leases be limited to 3 (three) years;
 - 3.2 **That** the rental in respect of the properties be determined as follows:
 - 3.2.1 Erf 1877 Middelburg, Extension 4 (Kanonkop): R3 500.00 (Three Thousand Five Hundred Rand) per month excluding VAT until 30 June 2017, subject to an annual escalation of 8% on 1 July every year and reviewable 3-yearly; and
 - 3.2.2 Portion of Erf 5077 Middelburg, Extension 13: R3 500.00 (Three Thousand Five Hundred Rand) per month excluding VAT until 30 June 2017, subject to an annual escalation of 8% on 1 July every year and reviewable 3-yearly; and
 - 3.3 **That** the lease amount be reviewed should a Lease Agreement not be concluded within 12 months from the date of valuation (29/11/2016).
 - 3.4 **That** should the lessee require, but the property does not have access to engineering, water or electrical services, the bulk servicing, contribution and connection costs will be for the account of the lessee;
 - 3.5 **That** the lessee shall enter into a consumer agreement with Council for any services required and/or used and shall pay the necessary deposits upon signature of the consumer agreement and services shall be paid

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- monthly in accordance with tariffs as determined from time to time and as promulgated in terms of Council's By-laws;
- 3.6 **That** the properties be used for purposes of a telecommunication mast and base station only;
 - 3.7 **That** the lessee shall be responsible for any conceivable costs which may emanate from the Lease Agreement;
 - 3.8 **That** the properties be fenced off and locked at all times at the cost of the lessee;
 - 3.9 **That** no person be domiciled on the properties;
 - 3.10 **That** no warranty is given by the Municipality that the properties are suitable for the intended use;
 - 3.11 **That** the lessee must maintain the leased properties in a clean and hygienic state and in accordance with the applicable legislation and municipal by-laws;
 - 3.12 **That** the Municipality reserves the right to inspect the leased premises at any reasonable time;
 - 3.13 **That** no structural addition or alteration may be made to the properties without the prior written consent from Council;
 - 3.14 **That** the leased properties may not be sublet, ceded, alienated or mortgaged without the prior written consent from Council;
 - 3.15 **That** the lessee indemnifies the Municipality for any claim of damage, injuries or loss of life or damages or injuries incurred by any person allowed on the properties by the lessee; and
 - 3.16 **That** only tree type cellular masts be considered in order to mitigate the visual impact of the structures on the surrounding residential uses.
4. **THAT** the proposed lease of the properties 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, Section 113 of the Municipal Finance Management Act 56 of 2003 and Section 41 of the Council's Supply Chain Management Policy.
 5. **THAT** the proceeds from the lease be allocated to Vote Number 555/020 (Fixed Property : Rental : Land).

C04/05/2017

PROGRESS REPORT ON STATUS QUO OF IDENTIFICATION OF SUITABLE LAND FOR THE DEVELOPMENT OF CEMETERY SITES THROUGHOUT MP313

16/6/1 (F)/yb

RESOLVED BY COUNCIL

- 1 **THAT** Council take note of the report by the Acting Executive Director: Infrastructure Services and approve the item with the following:
 - 1.1 **That** Council take note of the report on progress made on the identification of land for the development of cemeteries.
 - 1.2 **That** the Council delegate the Municipal Manager to negotiate access to the identified farm portions with property owners in order to conduct due diligence studies.
 - 1.3 **That** the Municipal Manager be delegated to negotiate the purchase of the identified farm portions if found suitable.
 - 1.4 **That** the budgetary provision for purchasing land and development of cemeteries be made accordingly in the subsequent financial years.
 - 1.5 **That** the development of cemeteries be in line with the Steve Tshwete Local Municipality Cemetery By-laws.

C05/05/2017

FINANCES: SUPPLY CHAIN MANAGEMENT: MONTHLY REPORT: SECTION 40 REPORT FOR FEBRUARY 2017

9/1/1 (D) /dp

RESOLVED BY COUNCIL

- 1 **THAT** the monthly deviation report in terms of Section 40 of the Supply Chain Management Policy for February 2017, be noted.
- 2 **THAT** the deviation report for February 2017 be reported in the annual financial statements.

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C06/05/2017

**FINANCES: SUPPLY CHAIN MANAGEMENT: MONTHLY REPORT: SECTION 40
REPORT FOR MARCH 2017**

9/1/1 (D) /dp

RESOLVED BY COUNCIL

- 1 **THAT** the monthly deviation report in terms of Section 40 of the Supply Chain Management Policy for March 2017, be noted.
- 2 **THAT** the deviation report for March 2017 be reported in the annual financial statements.

C10/05/2017

**FINANCES: QUARTERLY REPORT FOR SUPPLY CHAIN MANAGEMENT: THIRD
QUARTER (JANUARY TO MARCH 2017)**

9/2/2 (D) /dp

RESOLVED BY COUNCIL

THAT the quarterly report by the Executive Director: Financial Services on the implementation of the Supply Chain Management Policy of the municipality for the third Quarter ending 31 March 2017, be noted.

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