

STEVE TSHWETE LOCAL MUNICIPALITY

MINUTES

OF THE SPECIAL

COUNCIL

MEETING

TUESDAY, 25 OCTOBER 2016

MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN
THE COUNCIL CHAMBER, MUNICIPAL BUILDINGS ON
TUESDAY, 25 OCTOBER 2016 AT 15:10

PRESENT

Councillors

Ald M A Masina
Cllr A M Mabena
Cllr S D Nkadimeng
Cllr M I Kgalema
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 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 Mphago
Cllr D L Paul
Cllr M J Sekgwele
Cllr D J Skhosana
Cllr M M Skhosana
Cllr J Skosana (Arrived at 15:18)
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 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 S Wait
Cllr N M Hadebe
Cllr P R Mailola
Cllr A Mangcotywa
Cllr M C Mosoma
Cllr N J Mthombeni
Cllr E Sebesho
Cllr J P Duvenage
Cllr K P J Uys

Absent

Cllr L C Masemula

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

Name of Cllr			
	From	To	Item
Cllr Musa Masina	16:07	16:09	M04/10/2016
Cllr L K Mahlangu	16:29	16:31	M14/10/2016
Cllr A M Mahlangu	16:21	16:27	M04/10/2016
Cllr E T Motsepe	16:25	16:29	M13/10/2016
Cllr L J N Zondo	16:20	16:24	M04/10/2016
Cllr D J Skhosana	15:48	15:53	C29/10/2016
Cllr D A Stuurman	16:23	16:27	M06/10/2016
Cllr P Mobango	16:23	16:26	M06/10/2016
Cllr P N Sithole	16:00	16:05	C30/10/2016

Officials:

Mr S M Mnguni	(Acting Municipal Manager)
Ms C Hlatshwayo	(Executive Director: Community Services)
Ms E Wassermann	(Executive Director: Financial Services)
Mr S Mothiba	(Acting Executive Director: Corporate Services)
Mr M Mahamba	(Acting Executive Director: Infrastructure Services)
Mr M Masilela	(Director: Legal & Administration)
Mr J Zulu	(Chief Admin Officer)
Mr G Mokoena	(Senior Clerk)
Ms L Skosana	(Clerk Grade 1)
Ms D Pillay	(Clerk Grade 2)

1 OPENING

The Speaker welcomed everybody and declared the meeting open.

2 APPLICATION FOR LEAVE OF ABSENCE**2.1 Application for leave of absence in terms of Section 13 (1) of the Rules of Order**

2.1.1 None

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

2.2.1 Cllr M T E Mnguni

2.2.2 Cllr S M Mogola

2.2.3 Cllr J Matshiane

REPORT OF THE SPECIAL MAYORAL COMMITTEE HELD ON
19 OCTOBER 2016

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 SC02/05/07/08/10/11/12/27/28/29/30/31; SC32/10/2016 be considered.

SC02/10/2016

LAND: REQUEST FOR ALLOCATION OF LAND FOR THE CONSTRUCTION OF A CLINIC : ERF 902 RIETKUIL

7/2/3/2/4 (L)/nm

RESOLVED BY COUNCIL

1. **THAT** Council confirm that a portion of Erf 902 Rietkuil measuring 3000m² in extent ("the property") is not needed to render a minimum level of basic municipal services and the property will not be required for the municipality's own use at a later stage.
2. **THAT** the donation of the property be approved subject to the following conditions and the requirements of the Municipal Asset Transfer Regulations:
 - 2.1 **That** the Accounting Officer be authorised to donate the property as an unsolicited bid.
 - 2.2 **That** the unsolicited bid be made public in accordance with 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.
 - 2.3 **That** although the property is donated, that note be taken that the fair market value of the property is R80 000,00 (Eighty Thousand Rand) excluding Vat.
 - 2.4 **That** only 3000m² of Erf 902 Rietkuil be alienated to Department Health Services.

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- 2.21 **That** the expected loss that is expected to result from the proposed transfer be recognised in the statement of the Financial Performance.
- 2.22 **That** note be taken that as the property will be donated there will be no significant economic and financial cost to the municipality.
- 2.23 **That** it will be in the interest of the community for the property to be donated to the applicant.
- 2.24 **That** there are no reserve funds associated with the capital asset.
- 2.25 **That** the legislative regime applicable to the proposed transfer be complied with.
- 2.26 **That** the applicant submit a draft site development plan to the municipality for consideration and approval prior commencement with the construction of the clinic.
- 2.27 **That** all Town Planning costs be for the account of the applicant.
- 2.28 **That** the payment of main services contributions be considered once determined by Infrastructure Services.
- 2.29 **That** should the property not be serviced it be for the cost of the applicant.
- 2.30 **That** once the main service contributions have been determined that the applicant be responsible for the payment of the same.

SC05/10/2016

FINANCES: SERVICE LEVEL AGREEMENT: INTERNET VENDING

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

RESOLVED BY COUNCIL

1. **THAT** the Council Resolution C45/07/2016 be amended to read:

"the commission fee structure be negotiated with the Service Provider to a maximum of 6%."

95

SC11/10/2016

COUNCIL ARRANGEMENTS: FINAL APPROVAL OF STANDING RULES AND ORDERS BY-LAW

3/2/1/5 (C)/yb

With the consideration of this item, Cllr S J Roos submitted the following proposal which was seconded by Cllr G H E Romijn:

“That the words “hearing” or “public hearing” be deleted from Section 13&14 of the Rules of Order By-Law; and (2) That Section 13(9) of the Standing Rules of Order By-Law be deleted and be replaced by the following wording: Section 13(9) A Councillor who has failed to attend a Municipal Council Meeting or a Committee of which that Councillor is a member and did not serve a late application in terms of Rule 13(2) or a Councillor whose appeal has been turned down shall be fined R500-00 (Five Hundred Rand) deducted against this/her salary and/or allowance.

sic”

The proposal by Cllr S J Roos was put to vote and the results were as follows:

In favour of the proposal by Cllr S J Roos	=	17
Against the proposal by Cllr S J Roos	=	28
Abstain	=	6

The proposal was therefore not accepted.

The recommendation by the Executive Mayor as contained in the Agenda was then put to vote. The results were as follows:

In favour of the recommendation by the Executive Mayor	=	34
Against the recommendation by the Executive Mayor	=	17

Cllr P Mobango then requested a division on the vote and the results were as follows:

In favour of the Recommendation by the Executive Mayor	Against the Recommendation by the Executive Mayor
Ald M A Masina	Cllr E M Bruiners
Cllr A M Mabena	Cllr H G De Klerk
Cllr S D Nkadameng	Ald E du Toit
Cllr M I Kgalema	Cllr J Dyason
Cllr D J Motsepe	Cllr A S Grobler
Cllr A M Mahlangu	Cllr P Mobango

3.1 **That** Rule 4(1) be amended to read as follows:

"The Council shall hold its meetings at 15:00 hours in the afternoon or at such specified time as determined by the Speaker in terms of Section 29 of the Municipal Structures Act."

3.2 Rule 12(6) should be amended to include electronic delivery.

3.3 **That** Rule 14(3) should be amended to read as follows:

"A decision with regard to an appeal in terms of Rule 14(1) is subject to the provisions of Section 14 of Schedule 1 of the Municipal Systems Act regarding the Code of Conduct for Councillors or as amended from time to time".

3.4 **That** the word "sit" in Rule 33 be deleted and replaced with the word "stand".

3.5 **That** the words "Rule 84" mentioned in Rules 87, 88 and 89 should be deleted and replaced with the words "Rule 86".

4. **THAT** the Acting Executive Director: Corporate Services be authorised to effect the changes to the By-laws.

5. **THAT** the By-laws be promulgated in accordance with Section 13 of the Local Government: Municipal Systems Act 32 of 2000.

SC12/10/2016

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

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

[MM 120951]

RESOLVED BY COUNCIL

1 **THAT** Council take note of the report by the Acting Executive Director: Corporate Services.

2 **THAT** Council confirm that the 5ha (five hectares) portion of the Remainder of Portion 27 of the farm Middelburg Town and Twnlands 287 JS ("the property") is 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.

3 **THAT** a competitive bidding process be followed to grant the right to lease the subject property for a period of three (3) years.

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SC28/10/2016

STRATEGIC RISK ASSESSMENT REPORT 2016/2017 FINANCIAL YEAR

3/5 (C)/yb

RESOLVED BY COUNCIL

- 1 **THAT** the Strategic Risk Assessment Report for the 2016/2017 financial year, be approved.
- 2 **THAT** the Strategic Risk Register as included under **ANNEXURE A** of the Risk Assessment Report be approved as correctly reflective of the prioritized strategic risk areas.
- 3 **THAT** a Risk Management Committee which has been established internally and tasked with overseeing the Risk Management process and risk, be noted.

SC29/10/2016

LAND: LEASE OR LAND USE AGREEMENT FOR PORTIONS OF PORTION 1 AND 4 OF THE FARM RIETFONTEIN 286 JS AND THE REMAINDER OF PORTION 27 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS 287 JS FOR MINING PURPOSES

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

[MM 119236, 120163, 120164]

RESOLVED BY COUNCIL

1. **THAT** Council take note of the report by the Acting Executive Director: Corporate Services.
2. **THAT** Council confirm that the following portions ("the properties") are not needed to render the basic level of municipal services and are 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:
 - 2.1 A portion of the Remainder of Portion 1 of the farm Rietfontein 286 JS measuring 588,7556 ha;
 - 2.2 Portion 4 of the farm Rietfontein 286 JS measuring 22,3184 ha; and
 - 2.3 A portion of the Remainder of Portion 27 of the farm Middelburg Town and Townlands 287 JS measuring 629,6633 ha.
3. **THAT** the application for the use, control and management of the properties be approved and the Accounting Officer be authorized to deal with the application as an unsolicited bid, subject to the following conditions:

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SC30/10/2016

FINANCES: WATER RESTRICTIONS IN THE STEVE TSHWETE MUNICIPAL AREA

16/1/1/R (B)/ls

RESOLVED BY COUNCIL

- 1 **THAT** in terms of Section 54(1) of the Water Services By-laws, the following water restrictions be imposed in the Steve Tshwete Local Municipal area with effect from 1 November 2016:
 - 1.1 The watering of gardens by means of hosepipes or by means of irrigation systems.
 - 1.2 The watering of sport facilities at schools.
 - 1.3 The cleaning of vehicles or driveways by means of hosepipes.
 - 1.4 No filling of swimming pools with municipal water.
- 2 **THAT** a fine of R1 500,00 be imposed for any contravention of the above-mentioned measures.
- 3 **THAT** it be required of all Traffic Officers, Peace Officers, Building Inspectors to ensure that the above prohibitions are strictly enforced.
- 4 **THAT** in terms of Section 8.14 of the Tariff Policy, as approved on the budget, the following restriction tariffs apply from 1 November 2016 with first billing run in December 2016:
 - 4.1 Level 1 restrictions (water source below 60%)
 - (a) Residential

For the first 6 kilolitres	Free
7-10 kilolitres	R 7,55 per kilolitre
10-20 kilolitres	R13,20 per kilolitre
Above 20 kilolitres	R14,05 per kilolitre
 - (b) Business, industries, flats and schools

	R10,45 per kilolitre
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 - 4.2 Level 2 restrictions (water source below 40%)
 - (a) Residential

For the first 6 kilolitres	Free
7-10 kilolitres	R 7,55 per kilolitre

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SC32/10/2016

FINANCES: FINANCIAL QUARTERLY REPORT: SEPTEMBER 2016

9/2/1 (U)

RESOLVED BY COUNCIL

- 1 **THAT** the quarterly report on the implementation of the budget and the financial affairs for the municipality referred to in Section 52(d) of the MFMA for the quarter ending 30 September 2016, be noted.
- 2 **THAT** permission be granted to the Executive Director: Financial Services to submit the report in both an electronic and hard copy format to the National and Provincial Treasuries within five working days after tabling in the Council.
- 3 **THAT** permission be granted to the Executive Director: Financial Services to place the quarterly report on the municipal website for the quarter ending 30 September 2016.
- 4 **THAT** a further report on the deviations on the entertainment vote as well as travelling and subsistence be submitted to Council.

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