



**STEVE TSHWETE LOCAL MUNICIPALITY**

# **AGENDA**

OF THE

# **COUNCIL**

MEETING

**DATE - 27 SEPTEMBER 2012**

**TIME - 17:15**



# **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

# **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  
**THURSDAY, 29 NOVEMBER 2012 AT 17:15**

A handwritten signature in black ink, appearing to read 'W.D. F. ...', is centered on the page.

**MUNICIPAL MANAGER**

# 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 SECTIONS 15(1) AND 96(4) OF THE RULES OF ORDER
- 5 APPLICATIONS AND APPEALS FROM COUNCILLORS IN TERMS OF SECTION 14(1) AND 71 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 July 2012*
  - 9.2 *Special Meeting of the Council held on 24 August 2012*

10 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

10.1 THE FOLLOWING QUESTION WAS RECEIVED FROM  
CLLR GHE ROMIJN OF THE DA:

*“We are experiencing an extremely high poverty and unemployment rate in the Steve Tshwete Municipality that can be soothed by a pro active development plan.*

*Question*

*Please provide this council with the details of your plan that will ease the challenges we are experiencing in the Steve Tshwete municipal area on a short and long term basis.*

*(sic)”*

THE FOLLOWING REPLY WAS PREPARED BY THE MUNICIPAL  
MANAGER ON BEHALF OF THE EXECUTIVE MAYOR:

Reference is made to a poverty and unemployment rate within the Municipality.

It is important to indicate that the municipality is not per se responsible for poverty alleviation and job creation. It is the responsibility of the National Government.

The Council does have an indigent policy in terms of which plus minus 14 000 households are receiving 10kl of water and 50kWh free of charge. They also don't pay property tax or for refuse removal and sewerage.

The costs of these three services are recovered from the Equitable Share that we receive annually from the National Government. We also have food gardens in Mhluzi and in Extension 24.

As far as unemployment goes it is required of the Municipality to create a conducive climate for Local Economic Development which is the only vehicle by means of which unemployment can be addressed.

In this regard Council is constantly ensuring that services of the best quality is delivered and that infrastructure such as roads are properly maintained.

The mall development and the factories that are presently being erected North of the N4 have even recently being described as “boom conditions” in the Local newspaper.

In these developments thousands of new jobs are created because of the positive climate created by the Municipality and through valuable incentives provided.

We will obviously do the same over the years to come. It is also with mentioning that large numbers of local jobs are annually created through the implementation of the Councils Capital and Operating Budgets.

10.2 **THE FOLLOWING QUESTION WAS RECEIVED FROM CLLR D LONGMAN OF THE DA:**

*“The question arises from the illegal allocation of a house viz. **stand number 208 Rockdale:***

1. *The person to whom the house at stand number 208 Rockdale was allocated was called in to receive the keys of the house and on arrival, in the presence of the Council’s official, it was discovered that the house was already occupied by some one else. In the presence of the beneficiary the occupant’s residing in the house accused the Council’s Official, declaring that that he personally handed over the keys of that selfsame house on stand no. 208 Rockdale, on a prior date.*

*How was it possible for these unauthorized occupants, to get hold of the keys; when they had not officially been allocated the above-named house?*

2. *According to a letter from the Council received by the approved beneficiary, the house on stand number 208 Rockdale, was mistakenly handed over to a none-qualifying-beneficiary. Please supply in full details how this happened?*
3. *Why has this mistake not been resolved, or the necessary corrective action been taken, as the letter acknowledging the mistake, was received on 12 January 2012?*
4. *At the Mayoral Outreach that took place on 26 August 2012 at Nazareth Community Hall this very question was raised by Ms McKenzie. **What progress has been made about the issue in question?** The Municipal Manager promised that feed back will be given in the same week with full details. Up to date, no response has been received! **Why has the Municipal Manager not kept his promise and when will an answer be received?***
5. *The full details of the approved beneficiaries of the house in question, was captured on Council’s system entitling her to receive the house. Instead of informing the beneficiary of the completion of the house; a non-qualifying individual was allocated the house. **What steps is Council intend to take to discipline the accountable official or officials?***
6. *When will this issue be resolved?*

(sic)”

THE FOLLOWING REPLY WAS PREPARED BY THE EXECUTIVE MANAGER: PUBLIC SERVICES ON BEHALF OF THE EXECUTIVE MAYOR:

- 1 People apply to be on the waiting list for housing allocation. Ms Khumalo Sangonyana Christina is one of them. When she was due for allocation she was invited for the completion of the housing subsidy form. In the invitation the criteria for allocation were clearly stipulated so that if she did not qualify it is not necessary to come to the Housing Office.
- 2 Ms Khumalo failed to comply with the criteria outlined on the invitation by not disclosing her current marital status and that she has a property with her common husband elsewhere. It was picked by our regional office during searches. She failed the evaluation and was declined. She was then replaced by Mr Daniel McKenzie who was also on the waiting list. Mr McKenzie was then approved.
- 3 The only mistake this office made was that Ms Khumalo's was not informed that she was declined. Instead she was invited for final inspection. That is how she got the keys. Later it was realized that a wrong beneficiary has been issued with the keys. When she was informed she refused to hand over the keys. She threatened us with legal actions.
- 4 We then informed our legal department regarding the matter whereby they suggested that legal steps be instituted against Ms Khumalo. Presently the matter is no longer in our control it is with the Council Attorneys. The legal department keeps us informed with regard to any progress.
- 5 A letter of apology was written to Mr McKenzie for the inconvenience caused. We even offered a temporarily accommodation for the family until the matter is settled.
- 6 The concerned officials were summoned and verbal warning was given as it was a first offence. They were also reminded about the main function of this department of administer beneficiaries as required by the housing allocation policy.
- 7 The Municipal Manager has in the mean time interacted with the Council attorney who is dealing with the application for an eviction order. He reported that Ms Khumalo is opposing the application which means that it can still take several months to be resolved. The Municipal Manager apologizes for not informing Ms McKenzie earlier.

10.3 THE FOLLOWING QUESTION WAS RECEIVED FROM CLLR D LONGMAN OF THE DA:

- “1. *What is the personnel allocation as determined by law for Steve Tshwete Local Municipality?*
2. *What is the ratio of the personnel allocation in the Steve Tshwete Local Municipality according to race?*
  - 1.1 *Executive Managers*
  - 1.2 *Departmental Heads*
  - 1.3 *Other categories.*

*(sic)”*

THE FOLLOWING REPLY WAS PREPARED BY THE EXECUTIVE MANAGER: CORPORATE SERVICES ON BEHALF OF THE EXECUTIVE MAYOR:

1. We are not aware of any legislation that prescribes personnel allocation in municipalities or organisations.
2. However with reference to your second question, the Employment Equity Act 55 of 1998 is the only known legislation which contains prescriptions with regard to racial allocation according to occupational categories.
3. This information is available on the Mayoral Committee report of the agenda dated 20 September 2012 as item 17/09/2012 and is annually available on the Employment Equity report that serves at Council in September.
4. For your easy reference find herewith attached the current workforce profile which will also indicate the total number of employees in various occupational categories within the Steve Tshwete Local Municipality.



## SECTION B: WORKFORCE PROFILE AND CORE & SUPPORT FUNCTIONS

### 1. WORKFORCE PROFILE

1.1 Please report the total number of **employees** (including employees with disabilities) in each of the following **occupational levels**: Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management				1	2			1	1		5
Senior management	13		1	9	11			3			37
Professionally qualified and experienced specialists and mid-management	27	3		11	13	1	2	4			61
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	176	7	2	27	206	15	6	31			470
Semi-skilled and discretionary decision making	96	2			25			1			124
Unskilled and defined decision making	444	1		1	143	3		1			593
<b>TOTAL PERMANENT</b>	756	13	3	49	400	19	8	41	1		1290
Temporary employees											
<b>GRAND TOTAL</b>	756	13	3	49	400	19	8	41	1		1290

1.2 Please report the total number of **employees with disabilities only** in each of the following occupational levels: Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male				Female				Foreign Nationals		Total
	A	C	I	W	A	C	I	W	Male	Female	
Top management											
Senior management				1							1

Professionally qualified and experienced specialists and mid-management										
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	3		4	1	2					10
Semi-skilled and discretionary decision making	2			2						4
Unskilled and defined decision making	8			1						9
<b>TOTAL PERMANENT</b>	13		5	4	2					24
Temporary employees										
<b>GRAND TOTAL</b>	13		5	4	2					24

**10.4 THE FOLLOWING QUESTION WAS RECEIVED FROM CLLR D LONGMAN OF THE DA:**

*“A Mayoral Outreach was scheduled for Ward 10 on 29 August 2012, at Eastdene Community Hall. The Ward Councillor for the mentioned ward was not informed of the Mayor’s visit in her ward. The Councillor for the ward saw the planned Outreach in the local news paper.*

*At the meeting the Mayor accused the Councillor for Ward 10 for not holding Community Meetings. Regular meetings have been held by the relevant Councillor in Eastdene. The following question arises:*

*Why was the elected Councillor for Ward 10 not informed of the Mayoral Outreach planned to take place at Eastdene Community Hall on 29 August 2012?*

*(sic)”*

**THE FOLLOWING REPLY WAS PREPARED BY THE EXECUTIVE MANAGER: CORPORATE SERVICES ON BEHALF OF THE EXECUTIVE MAYOR:**

It is the prerogative of the Executive Mayor to arrange Mayoral Outreach where a need has been identified. A need was identified that an emergency meeting had to be conducted in that part of the particular Ward.

10.5 THE FOLLOWING QUESTION WAS RECEIVED FROM CLLR E SWARTS OF THE DA:

*“The following questions arise from the community, regarding the costs of the prepaid electricity components/metres:*

1. *What is the purchase price per unit of the prepaid components/meters from the provider?*
2. *What is the purchase price per unit of the prepaid components/meters from the STLM to the user?*
3. *What is the percentage of profit in the pocket of the STLM per unit?*
4. *Who is the provider of the prepaid electricity components/meters to STLM?*

*(sic)”*

THE FOLLOWING REPLY WAS PREPARED BY THE EXECUTIVE MANAGER: TECHNICAL AND FACILITIES ON BEHALF OF THE EXECUTIVE MAYOR:

- 1 The purchase price per unit of the prepaid components/meters from the provider is R309.43.
- 2 The purchase price per unit of the prepaid components/meters from the STLM to the user is R1 600.00. Connection cost included:
  - Prepaid meter
  - Prepaid meter Case
  - Circuit Breaker
  - Testing of installation
  - 15 % Admin charge
  - VAT
  - Sundries
  - Transport
- 3 Steve Tshwete Local Municipality is a non-profitable organization and the electrical service is a cost effective service that recovers actual cost.
- 4 There is no permanent supplier, the preferred suppliers that do business with Steve Tshwete Local Municipality are Conlog, Landis+Gyr and ITRON, but these companies have to follow the procurement process.

**10.6 THE FOLLOWING QUESTION WAS RECEIVED FROM CLLR GHE ROMIJN OF THE DA:**

*"The traffic department of the Steve Tshwete municipality has lately received very negative publicity in the local newspaper regarding their conduct toward motorists. It seems that some officials abuse the power they have according to all relevant laws and by-laws.*

*Question:*

*What steps are taken to ensure that traffic officials are conversant in conflict management and to impress on the officials the importance of immaculate conduct toward their job and motorists?*

*(sic)"*

**THE FOLLOWING REPLY WAS PREPARED BY THE EXECUTIVE MANAGER: PUBLIC SERVICES ON BEHALF OF THE EXECUTIVE MAYOR:**

- It should be strongly noted that what the media portray about the Department is only one side of the story. In most of these articles the Department's side of the story have never been taken.
- Officers with anger issues are referred to EAP. However the Department is always requesting the Officers to display professionalism at all times when dealing with the members of the public.

**10.7 THE FOLLOWING QUESTION WAS RECEIVED FROM ALD E DU TOIT OF THE DA:**

**"RAND WATER**

1. *What is the total Rand value in bulk water purchases from Rand Water by the municipality since January 2012? Please provide the total value per month separately.*
2. *How many kilolitres of water had been supplied to the municipality by Rand Water since January, 2012? Please provide amounts supplied per month separately.*
3. *What is the total quantity of water, in kilolitres distributed by the municipality in each community since January 2012? Please indicate quantities supplied to each community separately.*

4. *What is the total value in sales & the revenue generated in each community? Please provide the values for each community separately.*
5. *What is the total value of the equitable share claimed and recovered by the municipality since January, 2012? Please indicate in detail.*
6. *How many kilolitres of water distributed by the municipality to consumers is unaccounted for? Please indicate per community separately.*
7. *What is the total value in outstanding payment to Rand Water, if any, since January 2012? Please indicate the outstanding amounts per month separately.*
8. *What are the reasons for the difference and variance in the supply to the various communities and consumer accounts, if any? Please provide a full detailed report indicating the reasons in detail for each community separately.*
9. *What are the distribution losses, expressed in Kilolitres in each community since January,2012? Please indicate the distribution losses for each community separately.*
10. *What does the total Rand value, since January, 2012, in distribution losses in each community amount to? Please indicate losses per community separately?*

(sic)"

THE FOLLOWING REPLY WAS PREPARED BY THE EXECUTIVE MANAGER: TECHNICAL AND FACILITIES ON BEHALF OF THE EXECUTIVE MAYOR:

1. We do not buy water from Rand Water.
2. Nil.
3. See table 1 below:

**Table 1:**  
**Summary of Water Distribution Loss**

(July 2011- June 2012)

Town	Finance KL sold	STLM Department	Total	KL Pumped	Loss	% Distribution
Middelburg/Mhluzi						
Hendrina/Kwaza						
Komati/Blinkpan						
Doornkop	-	-	-	-	-	-
Pullenshope						
Rietkuil						
Presidentrus						
<b>Total</b>	<b>12 333 532</b>	<b>349 586</b>	<b>12 713 118</b>	<b>15 635 354</b>	<b>2 922 236</b>	

4. We do not sell water per community.

5. Council has received its full equitable share allocation as promulgated in the Government Gazette.

6. See table 1 above.

7. Nil.

8. Reasons for variance in supply are the following:

- On private farms water is delivered by water tankers.
- In rural Villages and at informal settlement stand pipes are provided.
- All other developed Towns have reticulation systems because of the available of bulk supply.

9. See table 1 above.

10. Rand value of losses is calculated annually with the preparation of the financial statements and cannot be provided for the period as requested.

**10.8 THE FOLLOWING QUESTION WAS RECEIVED FROM CLLR E SWARTS OF THE DA:**

*“During a Ward Committee meeting held on the 10<sup>th</sup> August 2010 feedback was received from the Municipality regarding the upgrading of Rivierpark flats. During a Ward Committee meeting on 11/10/10, a full list was presented as part of the Minutes of the meeting, stating all the problems at Rivierpark flats.*

*Since many years back problems arise regarding the overflowing of the road at the **eastern side** of the flats during the rainy season, rendering the road impassable. Numerous reports and requests were made with no feedback or attention to the problem.*

*To date NOTHING happened to pre-empt this problem:*

1. *When will this problem be addressed, with proper planned stormwater pipes and a well-designed road to prevent further damage?*
2. *With the painting of the roofs during 2011/12, part of the roofs of certain flats were not painted:*
  - (a) What is the reason for this unfinished work?*
  - (b) When will it be finished?*
  - (c) Has the contractor already been paid for this **unfinished work?***
3. *Problems with the security gate regarding the operation of the remote/chip system were reported by the residents on various times to the officials, with no response. As the existing system is impossible to use by partially immobile/ill or physically challenged residents:*
  - (a) When will this problem be addressed?*
4. *When was the last inspection of the premises/ buildings?*
5. *When will the next inspection of the premises/buildings be?*

*According to the residents there are not written GENERAL RULES issued to the residents.*

1. *Do such rules exists?*
2. *If not – will Rules be implemented?*
3. *When can the residents expect to receive general rules?*

*(sic)"*

THE FOLLOWING REPLY WAS PREPARED BY THE EXECUTIVE MANAGER: TECHNICAL AND FACILITIES AND EXECUTIVE MANAGER: PUBLIC SERVICES ON BEHALF OF THE EXECUTIVE MAYOR:

1. The problem has been taken into consideration and investigation has been conducted. There is currently no stormwater drainage in the erf. This will be forwarded for budget approval in the next financial year.
2. All the roofs were inspected, only those that required enhancing and on occupant's request were painted.
  - a) The work is conducted yearly or when the need arise and the inspections will be conducted on 30/09/2012.
  - b) No contractor was appointed, work was executed internally.

3. The complaints brought to our attention were addressed with regards to the gate. A remote will be supplied to the physically challenged (Not more than one per flat) and the number of remotes to be supplied will be requested from housing department
4. There was an inspection conducted in June 2012 and last one was in July 2012.
5. The next inspection will be conducted on 30 September 2012.

Rules:

1. Yes such rules do exist.
2. No applicable.
3. Rules are provided to residence as part of their lease agreement.

## 11 REPORTS BY THE EXECUTIVE MAYOR

### *11.1 Report of the 17<sup>th</sup>/2012 Meeting of the Mayoral Committee held on 14 AUGUST 2012:*

*Non Delegated Powers : -*  
*Delegated Powers : M01;02;03;04;05/08/2012*

### *11.2 Report of the 18<sup>th</sup>/2012 Meeting of the Mayoral Committee held on 23 AUGUST 2012:*

*Non Delegated Powers : C11;18;19;20;26/08/2012*  
*Delegated Powers : M06;07;08;09;10;12;13;14;15;16;17;21;22;23;27;28;29;30;31/08/2012*

### *11.3 Report of the 19<sup>th</sup>/2012 Meeting of the Mayoral Committee held on 13 SEPTEMBER 2012:*

*Non Delegated Powers : -*  
*Delegated Powers : M01;02/09/2012*

### *11.4 Report of the 20<sup>th</sup>/2012 Meeting of the Mayoral Committee held on 20 SEPTEMBER 2012:*

*Non Delegated Powers : C07;08;09;16;18;19;20;21;24;25;27;28;29;30;31;33;34;35;36/09/2012*



*Delegated Powers : M03;04;05;06;10;11;12;13;14;15;17;  
22;23;26;32/09/2012*

12 MOTIONS

12.1 Motion 80

*The following motion was received from Cllr S J Roos:*

- 1. That Council adopts a motion of no confidence in the Municipal Manager, Mr W.D Fouchè, and*
- 2. That as a consequence of the above, the Municipal Manager be Removed from office with immediate effect.*

*(sic)*

12.2 Motion 81

*The following motion was received from Cllr B H Mokoena:*

- 1. That the IBT system be immediately put on hold and that the matter be revisited by this council with the necessary consultation taking place with all the relevant stake holders including NERSA.*
- 2. That this council make every effort to follow all the necessary legal procedures as prescribed in the relevant legislations to avoid court action by affected parties.*
- 3. That should NERSA take legal action against this council as a result of the implementation of this motion, our administration be authorized to defend the council.*

*(sic)*

13 DEFERRED ITEMS

14 CLOSURE

REPORT OF THE

**17<sup>th</sup>/2012**

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

**2012/08/14**

**M01/08/2012**

**REPORT ON UNDERSPENDING IN RESPECT OF CAPITAL PROJECTS**

5/1/2 (MM)/lb

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the report by the Municipal Manager regarding the implementation of capital projects, be noted.

**M02/08/2012**

**FINANCES: FINANCIAL MONTHLY REPORT FOR JULY 2012**

9/3/1 (P)

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the monthly report for July 2012, which includes the status of assets in support of Clean Audit 2014, be noted.
2. **THAT** permission be granted to the Executive Manager : Finance 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 Manager : Finance to place the monthly report for July 2012 on the municipal website.

**M03/08/2012**

**PUBLIC SERVICES: LIBRARY SERVICES AND XSTRATA COAL PROJECT**

17/14/R (X)/ls

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report by the Manager: Library Services on the Library Services and Xstrata Coal Project.

**M04/08/2012**

**COUNCIL ARRANGEMENT: CIRCULAR ON THE GUIDELINES FOR MANAGING SERVICE DELIVERY PROTESTS AND PUBLIC MARCHES**

12/3/3 (K)/ nm

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the content of the circular received from the Department of Co-operative Governance and Traditional Affairs on the guidelines for managing services delivery protest and public marches, be noted.
2. **THAT** the Municipal Manager designates a Senior official to put in place an implementation plan which will consider the issues raised on the circular and other important issues applicable to the municipality.

**M05/08/2012**

**PERSONNEL: CIRCULAR 6/2012: SALARY AND WAGE COLLECTIVE AGREEMENT**

4/5/1/1 (B)/wm

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report by the Senior Manager: Human Resources on the Salary and Wage Collective Agreement 2012 - 2013 Circular 6/2012.
2. **THAT** the Salary and Wage agreement increase of 6,5% for 2012/13 financial year be implemented with effect from 1 July 2012 and a further 0,5% from 1 January 2013.
3. **THAT** the across the board salary increase be extended to all employees on fixed term contracts i.e Managers, Senior Managers, Executive Managers and the Municipal Manager.

REPORT OF THE

**18<sup>th</sup>/2012**

ORDINARY MEETING OF THE MAYORAL COMMITTEE  
WHICH WAS HELD IN THE MAYOR'S COMMITTEE ROOM, MUNICIPAL  
BUILDING, MIDDELBURG MPUMALANGA, ON

**2012/08/23**

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**NON  
delegated  
powers**



**C11/08/2012**

**PUBLIC PARTICIPATION: CRITERIA FOR THE DETERMINATION OF OUT OF POCKET EXPENSES OF MEMBERS OF WARD COMMITTEES**

12/2/2/1 (A) /bm

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** the option of paying allowance to ward committee members be adopted by the municipality.
2. **THAT** an amount of R500.00 per month be paid to all Ward Committee members.
3. **THAT** Council continues to provide transport to Wards 04, 05, 06, 07 and 09 when attending Ward Committee meetings.
4. **THAT** a process be undertaken to obtain the personal and bank account details of the ward committee members.
5. **THAT** the payment of the allowance mentioned in two above be implemented with effect from 01 July 2012.
6. **THAT** the Ward Committee policy be amended accordingly.

**C18/08/2012**

**APPLICATION FOR A CHURCH SITE IN NEWTOWN : PORTION 26 OR PORTION 189 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS 287 JS**

15/1/5/4 7/2/1/3 (E)/iec

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** the Council confirm that a portion of Portion 26 or Portion 189 of the Farm Middelburg Town & Townlands 287 JS is not needed to render the basic level of municipal services.
2. **THAT** the Accounting Officer be authorised to alienate this property as unsolicited bid.
3. **THAT** the application to lease a portion on Portion 26 or Portion 189 of the Farm Middelburg Town & Townlands 287 JS be approved subject to the following conditions:
  - 3.1 **That** the period of the lease agreement be for a period of 3 years.
  - 3.2 **That** the area to be leased be 1000m<sup>2</sup> in extent.
  - 3.3 **That** the costs for water and electricity supply be for the account of the applicant.

- 3.4 **That** the applicant should make use of chemical or biological toilets at their own cost.
- 3.5 **That** the rental amount be R0,18<sup>c</sup> (Eighteen Cent) per m<sup>2</sup> per month excluding VAT.
- 3.6 **That** the escalation be 10% per annum and reviewable 3 yearly.
- 3.7 **That** the lease amount be reviewed should a lease agreement not be concluded within 12 months of the valuation date.
- 3.8 **That** the applicant priorly provides a cash deposit to cover all electrical connection costs.
- 3.9 **That** proceeds received from the lease be allocated to vote number 555/020 (Fixed Property : Rental Levied).
- 3.10 **That** the proposed lease 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 44 of the Council's Supply Chain Management Policy.
- 3.11 **That** this be the last portion to be leased on this subject property.

**C19/08/2012**

**APPLICATION TO REPURCHASE PORTION 67 OF ERF 11844 MHLUZI  
EXTENSION 5**

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

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** Resolution C31/11/2009 and BA11/03/2010 be rescinded due to the failure of the applicant to pay the purchase price of Portion 67 of Erf 11844 Extension 05 Mhluzi.
2. **THAT** the costs already incurred by the Council be recovered from the applicant.

**C20/08/2012**

**APPLICATION FOR A PIECE OF LAND LYING BEHIND SHOPS 9 AND 11 AT  
EASTDENE SHOPPING CENTRE**

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

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report by the Senior Manager : Legal & Administration.

2. **THAT** Resolution C11/02/2012 be rescinded due to the failure of the applicant to pay the purchase price of a piece of land lying behind shops 9 and 11 Eastdene Shopping Centre for business purposes.

**C26/08/2012**

**LAND: APPLICATION TO PURCHASE A PORTION OF ERF 105/7740  
MIDDELBURG EXTENSION 23 FOR RESIDENTIAL PURPOSES**

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

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

- 1 **THAT** Council take note of the report by the Senior Manager : Legal & Administration.
- 2 **THAT** Resolution C19/03/2012 be rescinded due to the inability of the applicant to pay for the purchase price and Town Planning processes regarding the purchase of a Portion of Portion 105 of Erf 7740 Extension 23 Middelburg.

**delegated  
powers**

**M06/08/2012**

**REQUEST TO HOST SAMSRA 2012 NATIONAL GAMES**

12/2/1/3 (B)/ wm

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the presentation made by SAMSRA to the Mayoral Committee on their request to the Steve Tshwete Local Municipality to host the SAMSRA 2013 National Games, be noted.
2. **THAT** the matter be investigated by the Youth Manager (Recreation Officer) and a further report with the comments from the Executive Manager: Finance be submitted.

**M07/08/2012**

**LOCAL ECONOMIC DEVELOPMENT: PRESENTATION OF PUBLIC PRIVATE PARTNERSHIP**

3/2/3/1/1 (X)ls

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the presentation which was made by Mzilikazi Empower dev Holding regarding the Public Private Partnership project, be noted.
2. **THAT** arrangements be made with Mzilikazi Empower dev to submit their business plan and present their proposal for the implementation of the School Shopping Channel in Steve Tshwete Municipal area, as a Municipal Youth Development and Empowerment Programme.

**M08/08/2012**

**SALE OF ERF 9056 EXTENSION 06 MHLUZI FOR CHURCH PURPOSES**

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

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the presentation which was made by the IPHC regarding the alienation of Erf 9056 Extension 6 Mhluzi for Church purposes, be noted.
2. **THAT** the further report be submitted in this regard.

**M09/08/2012**

**TOWN PLANNING: OBJECTION HEARING : REZONING OF PORTION 31 OF ERF 2396 MHLUZI : AMENDMENT SCHEME 429**

13/4/2/2 (E)/yb

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** due to the fact that the hearing did not take place the matter be referred back and another objection hearing concerning the rezoning of Portion 31 of Erf 2396 Extension 00, be arranged.

**M10/08/2012**

**SUPPORT SERVICES : APPROVAL OF COUNCIL'S SCHEDULE FOR RECORDS OTHER THAN CORRESPONDENCE (ROCS)**

2/5/4/1, 12/2/1/12 (Q) /ls

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note that the municipality's paper Based Schedule for Records Other than Correspondence System (ROCS) was approved by Provincial Archivist.
2. **THAT** with effect from the 1<sup>st</sup> of September 2012 all Departments within the municipality classify and file all records other than correspondence according to the approved schedule.
3. **THAT** the Records Manager conduct routine inspections to ensure compliance with the schedule.

**M12/08/2012**

**COUNCIL ARRANGEMENTS: 2012 COMMUNITY SATISFACTION SURVEY REPORT**

4/8/2 (k)/nm

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the report by the Senior Manager: Legal and Administration regarding the outcome of the 2012 Community Satisfaction Survey, be noted.

**M13/08/2012**

**FACILITIES: REQUEST TO LEASE THEMBA SINAMELA STADIUM BY MPUMALANGA BLACK ACES**

17/7/2(K)/nm

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the content of the report by the Senior Manager: Legal and Administration regarding the request by Mpumalanga Black Aces to use Themba Sinamela Stadium, be noted.
2. **THAT** approval be granted to Mpumalanga Black Aces to use Themba Sinamela Stadium as their home ground free of charge for a period of three years, provided that a Memorandum Of Understanding is signed which includes inter alia the following provisions:
  - 2.1 They renovate and rebuild the dressing rooms to meet the FIFA standards at their costs.
  - 2.2 They assist with the redoing and maintenance of the field (pitch) as per the requirements by FIFA at their costs,
  - 2.3 They allow all public free entrance to their games,

- 2.4 They allow hawkers (vendors) access to sell during the games,
  - 2.5 They bring professional footballers closer to the people,
  - 2.6 They affiliate to Steve Tshwete Local Football Association (STLFA).
3. **THAT** the above-mentioned renovations be done prior to the utilization of the stadium by Mpumalanga Black Aces.
  4. **THAT** the Deed of Donation between Mpumalanga Black Aces and Council be entered into for the planned renovations and should include inter alia the following:
    - 4.1 The value of the renovations
    - 4.2 Copy of tax invoices paid to contractors
    - 4.3 Detailed plans of renovation
    - 4.4 Asset components to comply with GRAP 17
    - 4.5 Completion date of project
    - 4.6 Completion certificate
  5. **THAT** Mpumalanga Black Aces will be responsible for the electricity cost of the usage of the stadium lights for evening games.

**M14/08/2012**

**COUNCIL ARRANGEMENTS: INVITATION TO PARTICIPATE IN THE SAMSRA  
2012 NATIONAL GAMES**

12/2/1/9 (B)/wm

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report by the Senior Manager: Legal and Administration with regard to an invitation to participate in the SAMSRA 2012 National games.
2. **THAT** a local municipal team be allowed to participate at the said games.
3. **THAT** the following Councillors and officials also be delegated to attend the said games:
  - 3.1 Cllr D J Motsepe
  - 3.2 Cllr H Pilodia
  - 3.3 The Municipal Manager
4. **THAT** the above expenditure be debited against the relevant vote numbers.

**M15/08/2012**

**FINANCIAL ASSISTANCE : BUSINESS LINKAGE CENTRE: 2012/13 FINANCIAL YEAR**

11/3/1/1; 3/2/4/1/7; 5/16/R (M)/wm

**RESOLVED BY THE EXECUTIVE MAYOR**

- 1 **THAT** the report by the Senior Manager : Legal & Administration regarding a possible annual grant to the Business Linkage Centre, be noted.
- 2 **THAT** it be noted that annual and monthly reports regarding the previous grant were submitted to the Accounting Officer and it be continued with for the 2012/13 financial year in terms of Section 67 of the MFMA.
- 3 **THAT** the amount of R200 000 be made available from vote number 130/588 to the Middelburg Chamber of Commerce for the running of the Business Linkage Centre.

**M16/08/2012**

**FINANCES : ANNUAL GRANT : MIDDELBURG TOURISM INFORMATION CENTRE**

5/16/R (M)/lb

**RESOLVED BY THE EXECUTIVE MAYOR**

- 1 **THAT** the report by the Senior Manager : Legal & Administration regarding a possible annual grant to the Middelburg Tourism Information Centre, be noted.
- 2 **THAT** it be noted that annual and monthly reports regarding the previous grant were submitted to the Accounting Officer and it be continued with for the 2012/13 financial year in terms of Section 67 of the MFMA.
- 3 **THAT** the amount of R220 000 be made available from vote number 130/591 to the Middelburg Chamber of Commerce for the running of the Middelburg Tourism Information Centre.

**M17/08/2012**

**LEGISLATION: DIVISION OF REVENUE BILL, 2013**

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

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report by the Senior Manager : Legal and Administration on the Division of Revenue Bill.
2. **THAT** Council take note that, due to time constraints, the comments by the Executive Manager : Finance have been submitted as the comments of the Municipality on the Division of Revenue Bill, to the National Treasury.
3. **THAT** Council ratify the submission of the comments by the Administration.



**M21/08/2012**

**TOWN PLANNING: APPLICATION TO PURCHASE AND CLOSE A PORTION OF LAVER STREET**

16/3/1/3/2 (C)/yb

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report by the Senior Manager : Town Planning Services on the application to purchase and close a portion of Laver Street.
2. **THAT** the applicant, at the applicant's costs, appoints a competent and experienced traffic engineer to do a proper traffic study.
3. **THAT** once the traffic study referred to in 2 above has been received by the Municipality, a further report be submitted by the Senior Manager : Town Planning Services to Council for consideration.

**M22/08/2012**

**SERVICE LEVEL AGREEMENT WITH THE ROAD TRAFFIC MANAGEMENT CORPORATION**

8/1/R (C)/yb

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report by the Senior Manager : Traffic & Security Services on the Service Level Agreement with the Road Traffic Management Corporation.
2. **THAT** Council approve the signing of the Service Level Agreement attached as **ANNEXURE** to the Agenda of the Mayoral Committee subject to the following:
  - 2.1 **That** it be clarified on how the apportionment will be calculated.

**M23/08/2012**

**PUBLIC SERVICES: QUARTELY ACCIDENT REPORT FROM APRIL TO JUNE 2012**

9/2/3 (X)/ls

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the report by the Senior Manager: Traffic & Security Services regarding the Quarterly Accident Report from April to June 2012, be noted.

**M27/08/2012**

**DELEGATIONS: SPECIAL NATIONAL CONFERENCE (SALGA): 10 - 11  
SEPTEMBER 2012**

12/2/1/2 (X)/ls

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the following Councillors and Officials be delegated to attend SALGA's Special National Conference that will be held from 10 to 11 September 2012:
  - 1.1. Executive Mayor, or a Councillor delegated by him (Voting power).
  - 1.2. Any other Councillor delegated by the Executive Mayor.
  - 1.3. Municipal Manager or Senior Official delegated by him.
2. **THAT** should there be any conference fees charged, such costs for the Executive Mayor and/or Councillor be allocated to vote 100/230 (Councils General : Delegation Costs) and for the Municipal Manager be allocated to vote 110/230 (Municipal Manager : Delegation Costs).
3. **THAT** the accommodation, travelling and subsistence costs for the Executive Mayor and/or Councillor be allocated to vote 100/510 (Councils General : Travel and Subsistence), costs for the Municipal Manager be allocated to vote 110/510 (Municipal Manager : Travel and Subsistence).

**M28/08/2012**

**INSTITUTIONAL: REQUEST TO MAKE A PRESENTATION OF FLEET  
MANAGEMENT AND FUNDING**

8/1/2 (K) /nm

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** note be taken that the presentation by Wesbank could not take place as planned.
2. **THAT** further arrangements be made with Wesbank to make a presentation to a forthcoming Mayoral Committee.

**M29/08/2012**

**POLICY: REVIEW OF FRAUD PREVENTION POLICY AND RESPONSE PLAN**

5/14/2/4 (9853) (N)/nb

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report.

**M30/08/2012**

**LAND: CONSTRUCTION OF A ROAD ON PORTIONS OF THE FARM  
BANKFONTEIN 375 JS TO SOMAPHEPHA**

7/2/3/2 (L)/yb

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council approves the construction of the access road from Middelburg -Stofberg Road to Somaphepha Village.
2. **THAT** a 16 metre wide right of way servitude be registered along the western boundaries of Portions 19 and 34 of the farm Bankfontein 375 JS.
3. **THAT** no consideration / compensation be paid by this Municipality to the owners of the properties mentioned in the report.
4. **THAT** the existing right of way servitude traversing over Portions 3, 19, 34 and 36 of the farm Bankfontein 375 JS, be cancelled.
5. **THAT** comments and permission be obtained from the relevant authority which is the owner of the road reserve of the Middelburg - Stofberg Road.
6. **THAT** the road be constructed on the 2012/2013 financial year.
7. **THAT** should electricity be required, Eskom must be contacted.
8. **THAT** the necessary supplementary valuation be conducted as soon as survey General diagrams are available.
9. **THAT** the servitude, once registered in the name of Council, be recognised in the asset register in accordance with applicable accounting standards.

**M31/08/2012**

**FINANCES: ANNUAL MIDDELBURG SEVENS RUGBY TOURNAMENT**

7/1/1/2/1 (K)/nm

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** approval be granted for the banquet hall to be made available as a donation to Hoërskool Middelburg on the 20<sup>th</sup> of September 2012 to host a Gala evening.
2. **THAT** the value of the rental for the banquet hall be allocated to vote number 130/608 (Council General: Donation).
3. **THAT** the Executive Mayor award the SA Sevens Players with certificates.
4. **THAT** they be allowed to place a banner at John Magagula Street.

REPORT OF THE

**19<sup>th</sup>/2012**

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

**2012/09/13**

**M01/09/2012**

**PUBLIC PARTICIPATION : REPORT ON WARD COMMITTEE AND WARD  
COMMUNITY MEETINGS: AUGUST 2012**

3/2/6/1(D)/bm

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the ward committee and ward community meetings that took place after the July 2012 Ordinary Council Meeting.
2. **THAT** the information on when these meetings are taking place and progress on adhering thereto be made available in the Middelburg Observer and other local media.
3. **THAT** a Special Mayoral Outreach be arranged at all the wards where these meetings are not taking place.

**M02/09/2012**

**FINANCES: FINANCIAL MONTHLY REPORT FOR AUGUST 2012**

9/3/1 (P)

**RESOLVED BY THE EXECUTIVE MAYOR**

- 1 **THAT** the monthly report for August 2012, which includes the status of assets in support of Clean Audit 2014, be noted.
- 2 **THAT** permission be granted to the Executive Manager: Finance 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 Manager: Finance to place the monthly in-year report for August 2012 on the municipal website.

REPORT OF THE

**20<sup>th</sup>/2012**

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

**2012/09/20**

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**NON  
delegated  
powers**

**C07/09/2012**

**VALUATION OF GAME AT BOTSHABELO**

3/2/4/1/9 (K)

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

**THAT** all the remaining game with a potential income of R318 035,00, be sold at Botshabelo.

**C08/09/2012**

**LAND: APPLICATION TO LEASE A PORTION OF THE REMAINDER OF PORTION 148 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS 287 JS : BUS PARKING PURPOSES**

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

[MM 64197]

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report by the Senior Manager : Town Planning Services on the application to lease a portion of the Remainder of Portion 148 of the farm Middelburg Town and Townlands 287 JS for bus parking purposes.
2. **THAT** Council confirm that a portion of the Remainder of Portion 148 of the farm Middelburg Town and Townlands 287 JS, measuring 4 000m<sup>2</sup>, is not needed for the provision of the basic level of municipal services.
3. **THAT** the Accounting Officer be authorised to dispose off the property as an unsolicited bid.
4. **THAT** Council approve the application to lease a portion of the Remainder of Portion 148 of the farm Middelburg Town and Townlands 287 JS for bus parking purposes, subject to the following conditions:
  - 4.1 **That** a portion measuring 4 000m<sup>2</sup> be made available to the applicant for parking purposes.
  - 4.2 **That** the lease agreement be limited to a period of five (5) years and that the requirements specified in Section 33 of the Municipal Finance Management Act 56 of 2003 be complied with.
  - 4.3 **That** the allocated portion be fenced off to the satisfaction of Council.
  - 4.4 **That** the final location of the portion, measuring 4 000m<sup>2</sup> be determined by the Senior Manager : Town Planning Services and Senior Manager : Civil Engineering Services.
  - 4.5 **That** the rental be R2 600,00 (Two Thousand Six Hundred Rand) per month, excluding VAT, and escalating by 10% annually.

- 4.6 **That** the property be re-valued should a lease transaction not be concluded within 12 months from the date of valuation.
- 4.7 **That** the applicant priorly provides a cash deposit to cover the costs for bulk services, engineering services and connection.
5. **THAT** proceeds received from the lease be allocated to vote number 555/020 (Fixed Property : Rental Land).
6. **THAT** the lease agreement be treated in the Annual Financial Statement in accordance with applicable accounting standards.

**C09/09/2012**

**BY-LAWS : REVISION OF COUNCIL'S RULES OF ORDER : FINAL ADOPTION**

3/2/1/5 (M)/lb

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

- 1 **THAT** Council take note of the report by the Senior Manager : Legal & Administration on the final approval of the Revised Rules of Order.
- 2 **THAT** note be taken of the objections and submissions received when the Rules of Order was made public.
- 3 **THAT** note be taken that such objections and submissions were considered and that the Revised Rules of Order, attached as **ANNEXURE E** to the Agenda of the Mayoral Committee, be approved.
- 4 **THAT** the By-Law be promulgated in accordance with Section 13 of the Municipal Systems Act 32 of 2000, as amended.

**C16/09/2012**

**TOWN PLANNING: APPLICATION TO PURCHASE ERF 520 MIDDELBURG**

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

**[MM 52535]**

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report by the Senior Manager : Town Planning Services on the application to purchase Erf 520 Middelburg.
2. **THAT** Council confirm that Erf 520 Middelburg, measuring 5710 m<sup>2</sup>, is not needed for the provision of the basic level of municipal services.
3. **THAT** the Accounting Officer be authorised to alienate the subject property through a competitive bidding process.
4. **THAT** the applicant be informed accordingly.
5. **THAT** the subject property be utilized only for uses permitted under "Industrial 2" use zone, as prescribed in the Steve Tshwete Town Planning Scheme, 2004.

6. **THAT** the successful bidder bears the cost for the registration of the portion of land.
7. **THAT** the connection costs for the services such as water, sewer and electricity be for the account of the successful bidder.
8. **THAT** the reserve price for alienation by means of public bidding process be R870 000,00 (Eight Hundred and Seventy Thousand Rand) excluding VAT.
9. **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.
10. **THAT** the successful bidder priorly provides a cash deposit to cover all electrical bulk service contributions and connection costs.
11. **THAT** proceeds received from the sale be allocated to vote number 935/501 (Land Trust Fund : Sale of Land : Middelburg Proper).
12. **THAT** all costs relating to the transaction (including renovations, etc.) be for the account of the successful tenderer.
13. **THAT** the portions of land be removed from the fixed asset register and be written off at current replacement cost.
14. **THAT** the net gain or loss which will realize on the disposal of the capital asset be recognized in the Statement of Financial Performance.
15. **THAT** the subject property be re-valued should a transaction not be concluded within 12 months from the date of valuation.

**C18/09/2012**

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

3/R (W)

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** the report by the Senior Manager : Legal & Administration regarding the annual declaration of interests of Councillors, be noted.
2. **THAT** all Councillors submit the approved Declaration of Interest Form for Councillors annually before 31 January to the Municipal Manager, even if their financial interests did not change.

**C19/09/2012**

**COUNCIL ARRANGEMENTS : APOLOGY RECEIVED FROM CLLR B H MOKOENA**

3/2/1/1 (M)/lb

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** the apology received from Cllr B H Mokoena regarding an incident at the Special Council meeting held on 24 August 2012, be noted.
2. **THAT** the behavior of Cllr B H Mokoena at the Special Council meeting held on 24 August 2012 be referred to the Rules of Ethics Committee for consideration.
3. **THAT** Cllr B H Mokoena be advised to address future correspondence to Steve Tshwete Council and not to Middelburg Council.

**C20/09/2012**

**COUNCIL ARRANGEMENTS : CONFERMENT OF THE TITLE OF ALDERMAN ON CERTAIN COUNCILLORS**

3/P (M)/lb

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

- 1 **THAT** the criteria to bestow the title of Aldermanship to a Councillor as determined per Resolution C31/01/2009, be confirmed.
- 2 **THAT** note be taken that the current serving Ald E du Toit was conferred with the title of Alderman during 2009.
- 3 **THAT** the following Councillors be conferred with the title Alderman:
  - 3.1 Cllr H Pilodia
  - 3.2 Cllr R E Redman

**C21/09/2012**

**FINANCES : POSSIBLE FRUITLESS AND WASTEFUL EXPENDITURE : SABC PUBLICITY EVENTS**

3/2/4/1/15 (B)/lb

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

**THAT** the possible fruitless and wasteful expenditure with the SABC publicity event be referred back to the Municipal Public Account Committee for an indept investigation and should it be necessary the Administration be involved with the investigation.

**C24/09/2012**

**REQUEST FOR THE INVESTIGATION OF EXPENSES INCURRED FOR A BIRTHDAY CELEBRATION OF THE EXECUTIVE MAYOR**

3/2/4/1/15 (MM)

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

**THAT** due to the response which was included in the May 2012 Council Agenda regarding this matter, no further investigation be done.

**C25/09/2012**

**PROPOSAL FOR THE REVIVAL OF THE WASTE RECLAMATION PROJECT AT STAND 8914, MHLUZI EXTENSION 5**

7/2/1/3 (K)

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

- 1 **THAT** Council confirm that Stand 8914, Mhluzi Extension 5 together with the buildings and the equipment thereon are not needed for the provision of the basic level of Municipal Services.
- 2 **THAT** the Accounting Officer be authorised to dispose off the property as an unsolicited bid.
- 3 **THAT** Council approve the application to *lease* Stand 8914, Mhluzi Extension 5 together with the buildings and the equipment thereon for reclamation of waste purposes together with the sole right to collect recyclable waste from the landfill site subject to the following conditions:
  - 3.1 That at least 20 persons are contracted to recover waste from the landfill site;
  - 3.2 That at least 5 jobs are created inclusive of the two present remaining trained cooperative members;
  - 3.3 That a further 5 jobs be created for the collection of waste from schools and from the streets;
  - 3.4 That the contract shall be for a period of 12 months with an option to renew it for a further period of 5 years;
  - 3.5 That for a period of three years the facility is made available at a rental of R100,00 per month whereafter a commercial rental shall be applicable as determined by the Property Valuation Department;
  - 3.6 That the jobs referred to in (1.1), (1.2) and (1.3) above be created within a period of 4 months from the date of the Council resolution;

- 3.7 That proof be provided that arrangements with at least 5 schools have been made for recycling projects within a period of 4 months from the date of the Council resolution;
  - 3.8 That Council shall have the right to cancel the agreement forthwith if any of the above conditions are not fully complied with.
- 4 **THAT** the proceeds received from the lease be allocated to vote number 555/020 (Rental : Land).

**C27/09/2012**

**PERFORMANCE ASSESSMENTS FOR SENIOR MANAGERS**

3/5 (B)

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

- 1 **THAT** the report on the performance assessment for Senior Managers and Managers reporting to the Municipal Manager by IDP/PMS Manager, be noted.
- 2 **THAT** the results of the performance assessment for Senior Managers and Managers reporting to the Municipal Manager (year of assessment being 2010/2011), be noted and acknowledged.
- 3 **THAT** the Senior Managers (Health and Environmental Services, License Services, Traffic and Security Services, Library Services, Human Settlement, Solid Waste Management, Parks and Recreation Services, Manager: Gender and Social Development, Manager: Project Management Unit, Manager: Youth Development and Manager: IDP/PMS) be remunerated in line with the outcomes of the assessment.

**C28/09/2012**

**LAND: APPLICATION TO PURCHASE PORTIONS 2 & 3 OF ERF 8874 MHLUZI FOR BUSINESS PURPOSES**

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

[MM 64771; 64772; 66438]

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** Council confirm that Portions 2 and 3 of Erf 8874 Mhluzi Extension 05 ("the properties") are not needed for the provision of the basic municipal services.
2. **THAT** the applications to purchase the properties not be approved and the applicants be informed accordingly.
3. **THAT** the properties be sold through the public bidding process subject to the following conditions:
  - 3.1 **That** the successful tenderer be responsible for the connection cost and if necessary for link cost as well.

- 3.2 **That** the successful tenderer be responsible for the payment of the bulk service contributions.
- 3.3 **That** the successful tenderer be responsible for the payment of the sewer connection cost on the existing sewerline.
- 3.4 **That** Council confirm that the market values of Portions 2 and 3 of Erf 8874 Mhluzi Extension 05 be R60 000,00 (Sixty Thousand Rand), excluding VAT and R55 000,00 (Fifty Five Thousand Rand), excluding VAT respectively.
- 3.5 **That** the reserve prices of Portions 2 and 3 of Erf 8874 Mhluzi Extension 05 be R40 000,00 (Forty Thousand Rand) excluding VAT and R37 000,00 (Thirty Seven Thousand Rand), excluding VAT respectively.
- 3.6 **That** the properties be re-valued should the transactions not be concluded within 12 (twelve) months from the date of valuation.
- 3.7 **That** the successful bidder provides a cash deposit to cover connection costs and bulk service contribution costs.
- 3.8 **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.
- 3.9 **That** proceeds received from the sale be allocated to vote number 925/501 (Township Development Suspense Account : Sale of Land : Mhluzi Extension 5).
- 3.10 **That** the properties be removed from the asset register and be written off at current replacement cost.
- 3.11 **That** the net gain or loss which will realise on the disposal of the capital asset be recognised in the statement of financial performance.
- 3.12 **That** Council Resolution M80/06/2004 be rescinded as far as Portions 2 & 3 of Erf 8874 Extension 05 Mhluzi are concerned.

**C29/09/2012**

**BY-LAWS: FINAL APPROVAL OF TARIFF BY-LAW**

1/3/1/31 (C)/yb

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report by the Executive Manager: Corporate Services on the final approval of the Tariff By-laws.
2. **THAT** Council approve the Tariff By-laws attached as **ANNEXURE B** to the Agenda.



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

**C30/09/2012**

**APPLICATION FOR A PIECE OF LAND FOR AGRICULTURAL PROJECT :**  
**DOORKOP PHASE 2**

12/2/2/48 (T)/pn

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** Council confirm that the portion of Erf 467 Doornkop is not needed to provide the minimum level of basic municipal services.
2. **THAT** the accounting officer be authorised to dispose of the property in terms of Section 37 of the Council's Supply Chain Management Policy read together with the provisions of the Municipal Finance Management Act and the Municipal Systems Act.
3. **THAT** the following conditions be made applicable:
  - 3.1. **That** Council confirm that the rental amount shall be R50.00 (Fifty Rand) per annum per hectare excluding VAT and escalating by 10% per annum, which escalation shall be reviewed bi-annually.
  - 3.2. **That** the lease agreement shall be for a period of 3 (three) years.
  - 3.3. **That** the property be used for vegetable cultivation only.
  - 3.4. **That** no erection of permanent structures shall be allowed on the property.
  - 3.5. **That** the leased property be fenced off.
  - 3.6. **That** any cost emanating from the transaction be for the account of the applicant.
  - 3.7. **That** the utilisation of the land be monitored to the Council's satisfaction throughout the lease period.
  - 3.8. **That** the applicant enter into a formal consumer agreement with the Council for the supply of water and electricity.
  - 3.9. **That** proceeds reviewed for the lease be allocated to vote number 555/020 (Fixed Property: Rental Land).
  - 3.10. **That** no water from the Council's borehole be used for irrigation of the project.
  - 3.11. **That** the applicant obtains permission for the utilisation of water from the dam on the remainder of Portion 3 of the farm Doornkop 246 JS.

**C31/09/2012**

**LAND: APPLICATION FOR REGISTRATION OF SERVITUDES OVER MUNICIPAL PROPERTIES BY ESKOM**

16/2/2 (L)/iec

[MM 6724, 67197, 67538 & 67536]

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** permission be granted to Eskom to register servitudes over Portion 27 of the Farm Middelburg Town and Townlands 287 JS, Portions 1, 4, 9 and 16 of the Farm Rietfontein 286 JS ("the properties") subject to the following conditions:
  - 1.1 **That** the necessary Options to Acquire Servitudes Agreements be entered into between this Municipality and Eskom.
  - 1.2 **That** all costs pertaining to the application and the registration of servitudes be borne by Eskom.
  - 1.3 **That** Council be indemnified against any claims which may arise from the permission granted to Eskom to register the servitudes.
  - 1.4 **That** Council as the registered owner of the properties to be affected by the registration of the servitudes, be offered the following compensation:
    - 1.4.1 R45 000,00 per hectare excluding VAT, for a 44,203 hectare servitude on Portion 27 of the farm Middelburg Town & Townlands 287 JS.
    - 1.4.2 R8 000,00 per hectare, excluding VAT, for a 18,6081 hectare servitude on Portions 1 and 4 of the farm Rietfontein 286 JS.
    - 1.4.3 R8 000,00 per hectare, excluding VAT for a 1,464 hectare on Portion 9 of the farm Rietfontein 286 JS.
    - 1.4.4 R8 000,00 per hectare, excluding VAT for a Portion 16 of the farm Rietfontein 286 JS for the 4,8549 hectare.
  - 1.5 **That** the revenue be allocated to 630/010 (Middelburg Townlands : Servitude Fees).
  - 1.6 **That** the intangible assets represented by the servitudes once registered, be taken up in Council's fixed asset register.

**C33/09/2012**

**FINANCES: BANKING ARRANGEMENTS**

5/15/2 (M)/wm

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** in terms of Section 45 of the Municipal Finance Management Act the following banking facilities for the period 1 May 2012 until 30 April 2013, be approved.

	Period <u>30/04/2012</u>	Recommended / <u>30/04/2013</u>
1.1 Automated Clearing Bureau (credit)	2 (	2 (
1.2 Automated Clearing Bureau (debit)	1 (	1 (
1.3 Fleet card facility		
1.4 Overdraft facility	5 (	5 (
1.5 Aggregate limit (debit)	6 (	6 (

**C34/09/2012**

**PERSONNEL: REVIEW OF THE ORGANIZATIONAL STRUCTURE**

4/1/2 (N)/adk

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** Council adopt the attached **ANNEXURE A** to the Mayoral Committee Agenda as a framework to develop the staff establishment.
2. **THAT** the Municipal Manager develop the staff establishment within 2 months from the resolution.
3. **THAT** the Executive Mayor be delegated to consider the staff establishment in two above, after which placement be finalized by the Municipal Manager.

**C35/09/2012**

**PROPOSED DONATION OF NALEDI & LESEDI VILLAGES TO STEVE TSHWETE LOCAL MUNICIPALITY BY BHP BILLITON**

13/4/1; 15/3/58 (K)/adk

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** BHP Billiton be informed that Council accepts the donation of the two villages with appreciation provided:
  - 1.1 **That** all the infrastructural services be upgraded to the satisfaction and standards of the municipality.
  - 1.2 **That** 1.1 above takes place before the handing over of the two villages to Council.

**C36/09/2012**

**TECHNICAL SUPPORT SERVICES: CHANGING CONVENTIONAL METERS TO SPLIT PREPAYMENT METERS**

16/2/R; 16/2/8/1 (M)/wm

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. **THAT** Council waive the administration fee for the installation of all prepayment meters.
2. **THAT** the cost for installation of split prepayment meter communicating through the electrical supply cable be R900,00 for existing electrical consumers with conventional meters and R1 200,00 for new installations.
3. **THAT** in complexes with an additional circuit for swimming pool, electrical gates and area lights etc. the consumer will be responsible to provide a separate split prepayment meter communicating through the electrical supply cable.

**delegated  
powers**

**M03/09/2012**

**FINANCES: PRESENTATION: MIDDELBURG SPCA**

5/16/R; 17/11/2 (P)

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the presentation by the Middelburg SPCA on 20 September 2012 regarding their activities and functions, be noted.
2. **THAT** the Executive Mayor nominates a Councillor to serve on the Middelburg SPCA Board.
3. **THAT** the Middelburg SPCA be informed that Council supports their "sterilisation" campaign.

**M04/09/2012**

**INSTITUTIONAL: REQUEST TO MAKE A PRESENTATION ON FLEET MANAGEMENT AND FUNDING**

8/1/2 (K) nm

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the presentation by Wesbank on 20 September 2012 on Fleet Management and funding, be noted.
2. **THAT** the Executive Manager: Technical and Facilities investigates and report on the proposal made.

**M05/09/2012**

**TOWN PLANNING: OBJECTION HEARING : REZONING OF PORTION 31 OF ERF 2396 MHLUZI : AMENDMENT SCHEME 429**

13/4/2/2 (E)/yb

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the objection hearing on 20 September 2012 regarding the rezoning of Portion 31 of Erf 2396 Mhluzi, be noted.
2. **THAT** an inspection in loco at the said property be arranged for the Members of the Mayoral Committee, Applicant and Objectors.

**M06/09/2012**

**LOCAL ECONOMIC DEVELOPMENT: PRESENTATION OF PUBLIC PRIVATE PARTNERSHIP**

3/2/3/1/1 (X)ls

**RESOLVED BY THE EXECUTIVE MAYOR**

**THAT** the interview with Mzilikazi Empowerdev regarding the School Shopping Channel in the Steve Tshwete Municipal area, be noted.

**M10/09/2012**

**APPOINTMENT OF CLLR NYAMBI AS A MEMBER OF SALGA MPUMALANGA WORKING GROUP**

12/2/2/1 (K)/adk

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the appointment of Cllr Nyambi as a member of SALGA Mpumalanga Municipal Infrastructure Planning Working Group.
2. **THAT** the Executive Manager : Corporate Services provide all the relevant details for correspondence purposes to SALGA.

**M11/09/2012**

**LAND: APPLICATION FOR A PORTION OF PORTION 27 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS 287 JS**

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

**[MM 63420]**

**RESOLVED BY THE EXECUTIVE MAYOR**

**THAT** the matter be referred back for further investigation and report.

**M12/09/2012**

**PERSONNEL : PENSION BACKED HOUSING LOANS : FNB**

4/5/4/1 (E)/yb

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the Employer enter into a Smart Housing Loan Agreement with Smart Loans Product House, a business unit within First National Bank, a division of First Rand Bank Limited (Registration number 1929/001225/06) ("the Bank") on the basis of the Agreement tabled at the meeting; and
2. **THAT** Wilhelm Diederick Fouchè and Thobela Mekuto whose specimen signatures appear hereunder, are hereby empowered and authorised in their capacity as Municipal Manager and the Executive Manager : Corporate Services to act on behalf of the Council in this matter, to determine and approve the terms and conditions that may apply with regard to this agreement and to sign the agreement on behalf of the Employer / Council.

Specimen signature: \_\_\_\_\_

Wilhelm Diederick Fouchè

Specimen signature: \_\_\_\_\_

Thobela Mekuto

3. **THAT** the following person(s) be and are hereby authorized to sign any documentation pertaining to loan applications, from time to time on behalf of the Employer:

<u>NAME</u>	<u>DESIGNATION</u>
Irene Canny Skosana	Senior Manager : Human Resources
Willem Samuel van Zyl	Deputy Senior Manager : Human Resources
Gert Daniel Luüs	Senior Personnel Officer
Lovell Lucky Mahlogonolo Moetanalo	Senior Personnel Officer

**M13/09/2012**

**LAND: APPLICATION TO UTILIZE A PORTION OF PORTION 27 OF THE FARM  
MIDDELBURG TOWN AND TOWNLANDS 287: INFORMAL GARDENS**

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

**RESOLVED BY THE EXECUTIVE MAYOR**

**THAT** the matter be referred back for further investigation and report.

**M14/09/2012**

**COUNCIL ARRANGEMENTS: INSTALLATION OF SOLAR STREET NAMES**

8/1/2 (X)/ls

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report by the Senior Manager: Traffic & Security Services regarding the installation of the Solar Street Names.
2. **THAT** tenders be obtained in terms of Council's Supply Chain Management Policy for the installation of Solar Street Names within the municipal area.

**M15/09/2012**

**PERSONNEL: APPOINTMENT AND PROMOTION REQUIREMENTS: FIRE &  
RESCUE SERVICES**

4/1/3/4/7 (B)/ls

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** Council take note of the report by the Senior Manager: Fire & Rescue Services regarding the appointment and promotion requirements for Fire and Rescue Services.
2. **THAT** Council resolution M60/06/2004 be rescinded.
3. **THAT** the Fire Services personnel be promoted on recommendation by the Senior Manager: Fire & Rescue Services and the approval of the Executive Manager: Public Services when they qualify to be promoted according to the policy.



4. **THAT** the following table be accepted as Council policy in respect of qualifications required for the appointment and promotion of Fire Department personnel.

<b>POSITION</b>	<b>QUALIFICATIONS</b>	<b>RELEVANT EXPERIENCE</b>
Learner Fire Fighters	Grade 12 (Std 10) (NQF level 2)	No experience
Junior Fire Fighter	Grade 12 (Std 10) PLUS C1 drivers licence PLUS Ambulance Assistant registered with HPCSA	1 year
Fire Fighter	Grade 12 (Std 10) PLUS Junior Fireman Certificate OR Fireman Preliminary Certificate in Fire Technology OR Fire Fighter I and Hazardous materials for the First Responder Awareness level OR equivalent PLUS C1 drivers licence PLUS Basic Ambulance Assistant registered with HPCSA	2 years
Senior Fire Fighter	Grade 12 (Std 10) PLUS Fireman Certificate OR Fireman Certificate in Fire Technology OR Fire Fighter II and Hazardous Materials for the first responder: Operational level PLUS Medal Certificate in First Aid OR equivalent OR Grade 12 (Std 10) PLUS Junior Fireman OR Fireman Preliminary Certificate in Fire Technology OR Fire Fighter I & II and Hazardous Material Awareness Operational level for the first responder PLUS Basic Ambulance Assistant registered with the HPCSA/EC1	3 years  3 years
Leading Fire Fighter	Senior Fireman Certificate OR Higher Certificate in Fire Technology and Proficiency OR Graduate Diploma in Fire Technology OR National Diploma in Fire Technology PLUS Basic Ambulance Assistant registered with the HPCSA PLUS EC drivers licence OR 6 years experience as Senior Fire Fighter at Tshwete Local Municipality, with Hazmat Technician, High Angle I & II, Confined Space Rescue, Vehicle Extrication, Fire Officer I and Fire Instructor PLUS Basic Ambulance Assistant registered with HPCSA PLUS C1 drivers licence	4 years
Control Room Operator	Grade 12 (Std 10) Basic Ambulance Assistant registered with the HPCSA, Microsoft Office and Telephone Etiquette	3 years
Senior Control Room Operator	Grade 12 (Std 10) Basic Ambulance Assistant registered with the HPCSA, Microsoft Office, Telephone Etiquette, Customer Care, Control Room Operator Certificate	5 years

**M17/09/2012**

**PERSONNEL : ANNUAL SUBMISSION OF EMPLOYMENT EQUITY REPORT TO THE DEPARTMENT OF LABOUR**

1/1/1/41 (M)/wm

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the report by the Senior Manager: Human Resources regarding the annual submission of an Employment Equity Report to the Department of Labour, be approved.
2. **THAT** Senior Manager: Human Resources submit the report before 01 October 2012 to the Department of Labour.

**M22/09/2012**

**ASSETS: OFFER TO PURCHASE THE CORRUGATED ZINC STRUCTURE AT THE STRAWBERRY PROJECT**

6/1/2/2 (L)/yb

**[MM 60918]**

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the corrugated zinc structure situated on the Remainder of Portion 27 of the farm Middelburg Town and Townlands 287 JS at the corner of Groblersdal Road and the dirt road going to Boskrans Sewerage Purification Plant, not be alienated.
2. **THAT** a further report be submitted regarding the utilisation of the structure and said property.

**M23/09/2012**

**POLICY : AMENDMENTS TO CELLPHONE AND DATA PACKAGES FOR COUNCIL EMPLOYEES**

4/5/2/12 (M)

**RESOLVED BY THE EXECUTIVE MAYOR**

2. **THAT** the amended policy for cellphones and data packages for officials, attached as **ANNEXURE A** to the Agenda, be approved.
3. **THAT** the Municipal Manager in terms of the delegated authority reconsider the cellphone packages of the Mayoral Staff.

**M26/09/2012**

**PROVISION OF ACCESS ROAD TO STAND 353/287 (TWIZZA FACTORY)**

16/3/2 (K)

**RESOLVED BY THE EXECUTIVE MAYOR**

- 1 **THAT** the Executive Mayor approve the unforeseeable expenditure for the Twizza road for the budget amount of R5,3-million to be funded from the following re-prioritized projects:

		<u>Increase</u>	<u>Decrease</u>
P120056	New Roads : Industrial : Jeppe Street		R3
0000153	Roads : OR Tambo Street		R1
P130068	New Roads : Industrial : Twizza Road	R5 350 000	

- 2 **THAT** an adjustment budget be passed within 60 days after the expenditure was incurred.

**M32/09/2012**

**TECHNICAL SERVICES: REPORT ON BUDGET PROPOSAL FOR PLANNING AND SERVICING OF NEWTOWN EXTENSION**

5/1/1/6 (B) /ls

**RESOLVED BY THE EXECUTIVE MAYOR**

- 1 **THAT** Council take note of the report by the Senior Manager: Town Planning Services on budget proposals for planning and servicing of Newtown Extension.
- 2 **THAT** Council take note of that the budget provides insufficiently for the proposed budget proposal for Newtown.
3. **THAT** should grant funding be obtained the projects be phased in accordingly.
4. **THAT** the full financial implications be referred to the next budget cycle to be considered.
5. **THAT** a Mayoral Outreach be arranged at Newtown.