

STEVE TSHWETE LOCAL MUNICIPALITY

MINUTES

OF THE

COUNCIL

MEETING

DATE -27 SEPTEMBER 2012

STEVE TSHWETE LOCAL MUNICIPALITY

MINUTES OF AN ORDINARY MEETING OF THE COUNCIL HELD IN
THE COUNCIL CHAMBER, MUNICIPAL BUILDINGS, MIDDELBURG,
MPUMALANGA ON THURSDAY, 27 SEPTEMBER 2012 AT 17:28

PRESENT

Councillors

Cllr E F Mathebula (Acting Speaker)	Cllr P M Shongwe
Cllr M A Masina (Executive Mayor)	Cllr D J Skhosana
Cllr D J Motsepe	Cllr O Malinga
Cllr S D Nkadimeng	Cllr K N Monareng
Cllr N J Mahlangu	Cllr J Matshiane
Cllr E P Nkosi	Cllr N J Nkambule
Ald H Pilodia	Cllr L E Mkhuma
Cllr B P Ndala	Cllr M E Nyambi
Cllr P M Hadebe	Cllr B H Mokoena
Cllr E A Jele	Cllr G H E Romijn
Cllr E O Motsepe	Ald R E Redman
Cllr T B Mahlangu	Cllr T G Ndlangamandla
Cllr B Nene	Cllr S M Mogola
Cllr P I Thwala	Cllr R Perumall
Cllr M J Sekgwele	Cllr A Struwig
Cllr M T E Mnguni	Cllr J P Pretorius
Cllr L I Manzini	Cllr E A Swarts*
Cllr Z D Mtshweni	Cllr S J Roos
Cllr J Skosana	Cllr H F Niemann
Cllr P P Tau	Cllr D M Longman
Cllr S M Mnguni	Cllr M C Nkosi
Cllr M S Motebu	Cllr J Dyason**
Cllr S A Lukhele	Cllr P Mobango
Cllr M T Selala	Cllr S Wait
Cllr M R Mnguni	Cllr K P J Uys
Cllr P J Masilela	
Cllr M Mbatiwe	
Cllr B C Skosana	

* Retire from the meeting at 18:00 with the consideration of Item M01/08/2012 as per the ruling of the Acting Speaker.

** Left the meeting at 18:22 as per the Acting Speaker's approval.

Absent

Cllr M J Selala

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

Name of Cllr	1			2		
	From	To	Item	From	To	Item
Ald H Pilodia	17:54	18:06	M01/08/2012			
Cllr S Wait	18:00	18:03	M01/08/2012	19:32	19:35	Motion 81

Officials:

Adv T Mekuto	(Acting Municipal Manager)
Ms E Wassermann	(Executive Manager : Finance)
Ms F Phiri	(Executive Manager : Public Services)
Ms D Lambrech	(Acting Executive Manager : Technical and Facilities)
Mr L Bronkhorst	(Manager : Administration)
Mr J Zulu	(Chief Administrative Officer)
Ms M Komane	(Chief Administrative Officer)
Ms L Britz	(Administrative Officer Gr 2)
Ms W Machinini	(Clerk Gr 1)

1 OPENING**1.1 ELECTION OF ACTING SPEAKER**

The Acting Municipal Manager informed the meeting that the Speaker, Cllr R M Xaba was not present and Council therefore has to elect an Acting Speaker. Proposals for an election of an Acting Speaker was then requested. Cllr B P Ndala proposed the name of Cllr E F Mathebula. The proposal was seconded by Cllr L I Manzini and Cllr E F Mathebula accepted the nomination.

In view of the fact that no further nominations were received, Cllr E F Mathebula was elected Acting Speaker for the Council meeting held on 27 September 2012.

2 APPLICATION FOR LEAVE OF ABSENCE**RESOLVED**

1. **THAT** it be noted that Cllr's R M Xaba, S S Zitha, A S Grobler, and Ald E Du Toit have applied for leave of absence due to other obligations and the applications were approved.
2. **THAT** it be noted that Cllr J Dyason as per the Acting Speaker's approval submitted an application for leave that he will not remain in attendance for the full duration of the meeting due to urgent family matters.

3 OFFICIAL NOTICES

None

4 REPORTS BY THE SPEAKER IN TERMS OF SECTIONS 15(1) AND 96(4) OF THE RULES OF ORDER

None

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

None

6 MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER

None

7 MOTIONS OF SYMPATHY AND CONGRATULATIONS BY OTHER COUNCILLORS

The following Councillors expressed a motion of sympathy or congratulations:

7.1 Cllr J Dyason

- Expressed a motion of sympathy to the family and friends of Mr Jan Du Toit from Dennesig who served as a Ward Committee member in Ward 16 and was brutally murdered on Tuesday, 18 September 2012.

7.2 Cllr GHE Romijn

- Expressed a motion of congratulations to Cllr R Perumall for being appointed Acting Circuit Manager for Middelburg 2.
- Expressed a motion of congratulation to Cllr E Swarts and Cllr D Longman on their Birthdays.

7.3 Cllr N J Mahlangu

- Expressed a motion of sympathy to the families of the people who lost their lives at Marikana.

7.4 Cllr B P Ndala

- Expressed a motion of sympathy to the family of Mr du Toit in Dennesig.
- Paid tribute to the following heroes and heroines of struggle : Mr January Masilela, Mr Reuben Mnisi, Mr Alex Xulu, Mr Meshack Ntuli, Mr Mandla Masango, Ms Gloria Mbalane, Ms Phindile Sthole, Ms Girly Mathebula, Mr Joshua Kunene and many others.

8 DISCLOSURE OF INTERESTS

None

9 MINUTES OF THE PREVIOUS MEETING OR MEETINGS

9.1 *Ordinary Meeting of the Council held on 31 July 2012.*

9.2 *Special Council Meeting held on 24 August 2012.*

RESOLVED BY COUNCIL

9.1 **THAT** the minutes of the Ordinary Council Meeting held on 31 July 2012, be approved.

9.2 **THAT** the minutes of the Special Council Meeting held on 24 August 2012, be approved subject to the inclusion of Cllr H F Niemann's name on the list of the Councillors who were present, as well as the correction of the adjournment time from 14:55 to 15:55.

10 QUESTIONS OF WHICH NOTICE HAVE BEEN GIVEN

10.1 **THAT** note be taken of the question submitted by Cllr G H E Romijn as well as the reply which was prepared by the Municipal Manager on behalf of the Executive Mayor as contained in the Council Agenda.

- 10.2 **THAT** note be taken of the questions submitted by Cllr D Longman as well as the reply which was prepared by the Executive Manager : Public 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 D Longman as well as the reply which was prepared by the Executive Manager : Corporate Services on behalf of the Executive Mayor as contained in the Council Agenda.
- 10.4 **THAT** note be taken of the questions submitted by Cllr D Longman as well as the reply which was prepared by the Executive Manager : Corporate Services on behalf of the Executive Mayor as contained in the Council Agenda.
- 10.5 **THAT** note be taken of the questions submitted by Cllr E Swarts as well as the reply which was prepared by the Executive Manager : Technical & Facilities on behalf of the Executive Mayor as contained in the Council Agenda.
- 10.6 **THAT** note be taken of the questions submitted by Cllr GHE Romijn as well as the reply which was prepared by the Executive Manager : Public Services on behalf of the Executive Mayor as contained in the Council Agenda.
- 10.7 **THAT** note be taken of the questions submitted by Ald. E du Toit as well as the reply which was prepared by the Executive Manager : Technical & Facilities on behalf of the Executive Mayor as contained in the Council Agenda.
- 10.8 **THAT** note be taken of the questions submitted by Cllr E Swarts as well as the reply which was prepared by the Executive Manager : Technical & Facilities and Executive Manager : Public Services on behalf of the Executive Mayor as contained in the Council Agenda.

REPORT OF THE 17th/2012 MEETING OF THE MAYORAL
COMMITTEE HELD ON 14 AUGUST 2012

NON DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

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

DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note of resolution M01; 02; 03; 04 & 05/08/2012 taken by the Executive Mayor in terms of Delegated Powers with the amendments made by adding the following paragraph to M01/08/2012 and M03/08/2012:

M01/08/2012

"2. *THAT the Supply Chain Management processes be fast tracked within a prescribed legislation to assist with Capital spending*".

M03/08/2012

"2. *THAT a letter of appreciation be written to Xstrata Coal*".

REPORT OF THE 18th/2012 MEETING OF THE MAYORAL
COMMITTEE HELD ON 23 AUGUST 2012

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 C11; C18;
C19; C20 & C26/08/2012 be considered.*

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

With the consideration of this report, the Executive Mayor requested that the following amendment be made to point 3 of C11/08/2012:

“THAT Ward 8 and Ward 29 be added to the Wards that must be covered when transport is provided for attending Ward Committee meetings”.

RESOLVED BY COUNCIL

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, 08, 09 and 29 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.

Am

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

RESOLVED BY COUNCIL

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 1000m² 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 R0,18c (Eighteen Cent) per m² 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

RESOLVED BY COUNCIL

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

RESOLVED BY COUNCIL

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

RESOLVED BY COUNCIL

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.

rw

DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note of resolutions M06; 07; 08; 09; 10; 12; 13; 14; 15; 16; 17; 21; 22; 23; 27; 28; 29; 30 & 31/08/2012 taken by the Executive Mayor in terms of Delegated Powers with the following amendments to M30/08/2012:

Add the following as paragraph 10:

- "10. **THAT** a letter of appreciation be written to the farmers who donated the portion of a land for a construction of a road."

REPORT OF THE 19th/2012 MEETING OF THE MAYORAL
COMMITTEE HELD ON 13 SEPTEMBER 2012

NON DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

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

DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note of resolutions M01 & 02/09/2012 taken by the Executive Mayor in terms of Delegated Powers.

REPORT OF THE 20th/2012 MEETING OF THE MAYORAL
COMMITTEE HELD ON 20 SEPTEMBER 2012

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 C07; C08; C09; C16; C18; C19; C20; C21; C24; C25; C27; C28; C29; C30; C31; C33; C34; C35 & C36/09/2012 be considered.

C07/09/2012

VALUATION OF GAME AT BOTSHABELO

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

RESOLVED BY COUNCIL

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]

RESOLVED BY COUNCIL

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 000m², 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 000m² 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 000m² 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

With the consideration of this item Cllr R Perumall submitted the following proposal which was seconded by Cllr H F Niemann

1. That the amendments to the Rules of Order not be approved.
2. That the administration be requested to re-draft the amendments and that the limitations on the number of questions and durations of debates by political parties be revised.
3. That a workshop be arranged where the proposed amendments can be explained to Councillors and to allow them to debate the issue.

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

In favour of the proposal by Cllr R Perumall	=	15
Against the proposal by Cllr R Perumall	=	36

The proposal was therefore not accepted.

The recommendation by the Executive Mayor on this item was then put to vote.

The results were as follows:

In Favour of the recommendation by the Executive Mayor	=	15
Against the recommendation by the Executive Mayor	=	36

Cllr S J Roos then requested a division on the vote and the results were as follows:

<i>In favour of the recommendation by the Executive Mayor</i>	<i>Against the recommendation by the Executive Mayor</i>
1) Cllr M A Masina	1) Cllr B H Mokoena
2) Cllr N J Mahlangu	2) Cllr G H E Romijn
3) Cllr E F Mathebula	3) Ald R E Redman
4) Cllr D J Motsepe	4) Cllr T G Ndlangamandla
5) Cllr E A Jele	5) Cllr S M Mogola
6) Cllr E O Motsepe	6) Cllr R Perumall
7) Cllr T B Mahlangu	7) Cllr J P Pretorius
8) Cllr B Nene	8) Cllr E A Swarts
9) Cllr S D Nkadimeng	9) Cllr S J Roos
10) Cllr M J Sekgwele	10) Cllr H F Niemann
11) Cllr M T E Mnguni	11) Cllr D M Longman
12) Cllr E P Nkosi	12) Cllr M C Nkosi
13) Ald H Pilodia	13) Cllr A Struwig
14) Cllr L I Manzini	14) Cllr P Mobango
15) Cllr Z D Mtshweni	15) Cllr K P J Uys
16) Cllr J Skosana	
17) Cllr P P Tau	
18) Cllr P I Thwala	
19) Cllr B P Ndala	
20) Cllr M S Motebu	
21) Cllr S M Mnguni	
22) Cllr S A Lukhele	
23) Cllr M T Selala	
24) Cllr P M Hadebe	
25) Cllr M R Mnguni	
26) Cllr P J Masilela	
27) Cllr M Mbatiwe	
28) Cllr B C Skosana	
29) Cllr O Malinga	
30) Cllr K N Monareng	
31) Cllr J Matshiane	
32) Cllr N J Nkambule	
33) Cllr L E Mkhuma	
34) Cllr M E Nyambi	
35) Cllr D J Skosana	
36) Cllr P M Shongwe	
Total = 36	Total = 15

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

RESOLVED BY COUNCIL

- 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]**RESOLVED BY COUNCIL**

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 m², 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.

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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)

RESOLVED BY COUNCIL

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

RESOLVED BY COUNCIL

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

RESOLVED BY COUNCIL

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

With the consideration of this item Cllr H F Niemann submitted the following proposal which was seconded by Cllr P Mobango:

"That the recommendation by the Executive Mayor not be accepted and that it be replaced by the following recommendations which are the original recommendations from MPAC:

1. ***THAT** the previous Executive Mayor, IMT Mahlangu and the Municipal Manager be held responsible, jointly and separately, for the wasteful expenditure of R30 000.00 that resulted from the previous Executive Mayor not honoring the appointment with SABC Morning live and the money that was eventually paid to the service provider.*
2. ***THAT** the Legal Department of the Municipality be instructed to recover the amount of R30 000.00 from the parties mentioned in 1 above."*

In view of the fact that the proposal by Cllr H F Niemann was not opposed, it was therefore accepted.

RESOLVED BY COUNCIL

1. **THAT** the previous Executive Mayor, IMT Mahlangu and the Municipal Manager be held responsible, jointly and separately, for the wasteful expenditure of R30 000.00 that resulted from the previous Executive Mayor not honoring the appointment with SABC Morning live and the money that was eventually paid to the service provider.

2. **THAT** the Legal Department of the Municipality be instructed to recover the amount of R30 000.00 from the parties mentioned in 1 above."

C24/09/2012

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

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

The Executive Mayor informed the meeting that the initiator of this matter Cllr M S Motebu requested that the matter be withdrawn from the Agenda.

RESOLVED BY COUNCIL

THAT note be taken that the matter was withdrawn by the Executive Mayor.

C25/09/2012

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

7/2/1/3 (K)

RESOLVED BY COUNCIL

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)

RESOLVED BY COUNCIL

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]

RESOLVED BY COUNCIL

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

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

“That item C29/09/2012: “The Final Approval of Tariff By-Law” not be promulgated and that the objector’s complaints be heard and the item be revised and be resubmitted to Council.”

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

In favour of the proposal by Cllr J P Pretorius	=	15
Against the proposal by Cllr J P Pretorius	=	36

The proposal was therefore not accepted.

The recommendation by the Executive Mayor on this item was put to vote.

The results were as follows:

In favour of the recommendation by the Executive Mayor	=	36
Against the recommendation by the Executive Mayor	=	15

Cllr S J Roos then requested a division of vote.

The results were as follows:

<i>In favour of the recommendation by the Executive Mayor</i>	<i>Against the recommendation by the Executive Mayor</i>
1. Cllr M A Masina	1) Cllr B H Mokoena
2. Cllr N J Mahlangu	2) Cllr G H E Romijn
3. Cllr E F Mathebula	3) Ald R E Redman
4. Cllr D J Motsepe	4) Cllr T G Ndlangamandla
5. Cllr E A Jele	5) Cllr S M Mogola
6. Cllr E O Motsepe	6) Cllr R Perumall
7. Cllr T B Mahlangu	7) Cllr J P Pretorius
8. Cllr B Nene	8) Cllr E A Swarts
9. Cllr S D Nkadimeng	9) Cllr S J Roos
10. Cllr M J Sekgwele	10) Cllr H F Niemann
11. Cllr M T E Mnguni	11) Cllr D M Longman
12. Cllr E P Nkosi	12) Cllr M C Nkosi
13. Ald H Pilodia	13) Cllr A Struwig
14. Cllr L I Manzini	14) Cllr P Mobango
15. Cllr Z D Mtshweni	15) Cllr K P J Uys
16. Cllr J Skosana	
17. Cllr P P Tau	
18. Cllr P I Thwala	
19. Cllr B P Ndala	
20. Cllr M S Motebu	
21. Cllr S M Mnguni	
22. Cllr S A Lukhele	
23. Cllr M T Selala	
24. Cllr P M Hadebe	
25. Cllr M R Mnguni	
26. Cllr P J Masilela	
27. Cllr M Mbatwe	
28. Cllr B C Skosana	
29. Cllr O Malinga	
30. Cllr K N Monareng	
31. Cllr J Matshiane	

32. Cllr N J Nkambule	
33. Cllr L E Mkhuma	
34. Cllr M E Nyambi	
35. Cllr D J Skosana	
36. Cllr P M Shongwe	
Total = 36	Total = 15

The recommendation by the Executive Mayor was therefore accepted.

RESOLVED BY COUNCIL

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

RESOLVED BY COUNCIL

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]

RESOLVED BY COUNCIL

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

RESOLVED BY COUNCIL

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 Amount <u>30/04/2013</u>
	R	R
1.1 Automated Clearing Bureau (credit)	2 500 000	2 800 000
1.2 Automated Clearing Bureau (debit)	1 000 000	1 200 000
1.3 Fleet card facility	20 000	30 000
1.4 Overdraft facility	500 000	5 000 000
1.5 Aggregate limit (debit)	6 000 000	6 600 000

C34/09/2012

PERSONNEL: REVIEW OF THE ORGANIZATIONAL STRUCTURE

4/1/2 (N)/adk

RESOLVED BY COUNCIL

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

RESOLVED BY COUNCIL

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

RESOLVED BY COUNCIL

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

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT Council take note of resolution M03; 04; 05; 06; 10; 11; 12; 13; 14; 15; 17; 22; 23; 26 & 32/09/2012 taken by the Executive Mayor in terms of Delegated Powers.

12 MOTIONS

12.1 Motion 80

With the consideration of this matter the Acting Speaker rejected Motion 80 by Cllr S J Roos in terms of Rule 19 (1) (vii) of the Rules of Order.

The motion was therefore rejected by the Acting Speaker.

12.2 Motion 81

With the consideration of this matter Motion 81 was introduced by Cllr B H Mokoena and seconded by Cllr GHE Romijn.

Ald H Pilodia opposed the motion by proposing that the motion by Cllr B H Mokoena be amended and be replaced by the following:

"That for the 30 days period commencing on 15 October 2012 the Council will undertake a consultation process with all the different communities within the Steve Tshwete Local Municipality regarding the implementation of the Inclining Block Tariff."

The Acting Speaker indicated that the amended motion will be voted on and should it happen that the motion by Alderman H Pilodia does not succeed the motion by Cllr B H Mokoena will be subjected to the vote.

The Motion by Alderman H Pilodia was then put to vote.

The results were as follows.

In favour of the motion by Alderman H Pilodia	=	36
Against motion by Alderman H Pilodia	=	15

The motion by Alderman H Pilodia was therefore accepted.

RESOLVED BY COUNCIL

THAT for a 30 day period commencing on 15 October 2012 the Council will undertake a consultation process with all the different communities within the Steve Tshwete Local Municipality regarding the implementation of the Inclining Block Tariff.

13 DEFERRED ITEMS

None

14 CLOSING

Meeting adjourned at 19:52

SIGNED AT MIDDELBURG ON 10/12/2012



S P E A K E R