



STEVE TSHWETE LOCAL MUNICIPALITY

AGENDA

OF THE

COUNCIL

MEETING

DATE - 30 MAY 2017

TIME - 15:00



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,
MIDDELBURG ON TUESDAY,
30 MAY 2017 AT 15:00**

A handwritten signature in black ink, consisting of a large, stylized initial 'S' followed by a series of sharp, vertical strokes, and ending with a long horizontal line.

ACTING MUNICIPAL MANAGER

AGENDA

1. OPENING AND WELCOME
2. APPLICATIONS FOR LEAVE OF ABSENCE
3. DECLARATION OF INTERESTS
4. ANNOUNCEMENTS (Motions of Sympathy and Congratulations by the Speaker and by other Councillors)
5. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS
 - 5.1 Ordinary Meeting of the Council held on 30 March 2017;
 - 5.2 Special Meeting of the Council held on 30 March 2017;
 - 5.3 Special Meeting of the Council held on 25 April 2017.
6. REPORTS OF THE SPEAKER IN TERMS OF RULES 15(1) AND 96(4)
7. APPLICATIONS AND APPEALS FROM COUNCILLORS IN TERMS OF RULES 14(1), 66 AND 71
 - 7.1 FURTHER REPORT: APPEAL BY ALD R M XABA ON THE IMPOSITION OF A FINE IN TERMS OF SECTION 13(9) OF THE RULES OF ORDER 3/2/1/4 (G)

Report by the Acting Municipal Manager

Purpose

The purpose of the report is to submit a further report regarding an appeal submitted by Ald R M Xaba on 10 January 2017 per Section 14 of the Rules of Order.

Background

During a Council meeting held on 30 March 2017, Council considered the above matter under the heading: Applications and Appeals from Councillors in terms of Rules 14(1), 66 and 71 and resolved as follows:

***“THAT** the matter be referred back due to the non-attendance of the meeting by Ald R M Xaba.”*

Content

In view of the above resolution, a further report is submitted for consideration by Council. Attached as **ANNEXURE A** is the report that served before Council on 30 March 2017.

Suggestion

Council to note that with the report that served before Council on 30 March 2017, the Speaker after the requested investigation made the following recommendation.

RECOMMENDATION BY THE SPEAKER

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

sic"

FOR CONSIDERATION BY COUNCIL

8. REPORTS OF MPAC

- 8.1 Report of the **04TH/2017** meeting of the Municipal Public Accounts Committee held on **11 April 2017** that served before Mayoral Committee on **04 May 2017**.

Non Delegated Powers : -
Delegated Powers : M11/05/2017

- 8.2 Report of the **05TH/2017** meeting of the Municipal Public Accounts Committee held on **16 May 2017** that served before Mayoral Committee on **23 May 2017**.

Non Delegated Powers : -
Delegated Powers : M35/05/2017

9. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

- 9.1 The following questions were received from Cllr J P Pretorius of the DA:

"1 Is the Conditions of Service for Employees in the Steve Tshwete Local Municipality approved by Council as determined by SALGA?

- 2. If the above-mentioned Conditions of Service for Employees accepted, is it applicable to Permanent Employees as Acting personnel?*

3. *Can the relevant Department who keep book of the Employees and Acting Employees leave register, supply Council with a memorandum of employees who did not take leave after the Financial years 2014/2015 and 2015/2016 and if not give reasons?*

(sic)"

The following reply was prepared by the Acting Executive Director: Corporate Services on behalf of the Executive Mayor:

Conditions of Service is part of a collective agreement negotiated at SALGBC Central Bargaining as well as Provincial Bargaining Council. This Agreement is implemented at all Municipalities through Council Resolution.

1. Yes, since it is a collective agreement it binds both the employer and employees including acting employees, except Section S54 (A) and 56 positions. Furthermore, the conditions of Section S54(A) 56 employees are regulated through Municipal Systems Act, 2000 (act No 32 of 2000) and the Regulation on appointment and conditions of employment of Senior Managers as published under the government Notice no. 21 in the Government Gazette No 37245 of 17 January 2014.
2. The Main Collective Agreement on Conditions of Service indicates the following with regard to the management of leave;
 - The employers shall grant the employee annual leave in a leave cycle of:
 - Twenty four (24) days for a five (5) day worker
 - Twenty seven (27) days for a six (6) day worker.
 - An employee is required to take leave within each cycle as follows
 - Five (5) day worker shall take a minimum of sixteen (16) days leave
 - Six (6) day worker shall take a minimum of nineteen (19) days leave
 - (3.1.4) Leave accumulated subsequent to 1 January 2004 shall only be accumulated to a maximum of forty eight (48) days ...
 - (3.1.5) If despite, being afforded an opportunity to take leave, an employee fails, refuses or neglects to take the remaining leave due to him during this period, such remaining leave shall fall away.
3. Leave in general is managed by each department and completed leave books are captured by Salaries Section in Finance Directorate subject to operational requirements (application, available leave credits, approval and any leave not taken after 6 months following the annual leave cycle, expires).

9.2 The following questions were received from Ald E A du Toit of the DA:

"This issue is pending since the LEKGOTLA that was held 21-23 September 2014

The draft revised organizational structure was approved by Council in April 2016 in order to solicit inputs from other stakeholders. It was resolved that the final version will be submit to Council in November 2016 after the process has been completed.

- *Please give reasons why this didn't happen.*

At a meeting of the Corporate and Support Services Political Monitoring Committee in February 2017 a written proposal was accepted to address the matter at the Council Meeting in March 2017.

- *Please give reasons why it didn't happen and*
- *how and when this matter will be finalized.*

(sic)"

The following reply was prepared by the Acting Executive Director: Corporate Services on behalf of the Executive Mayor:

1. The matter is contained on the Agenda of Special Council meeting dated 30th May 2017 for consideration and finalization thereof thereafter.

9.3 The following question was received from Cllr G H E Romijn of the DA:

"What can be done by STLM to make the living conditions of people living in informal settlements in ward 4 Komati more bearable?"

(sic)"

The following reply was prepared by the Executive Director: Community Services on behalf of the Executive Mayor:

1. The conditions at Komati informal settlement is a concern to Council and there is a plan to improve it through Agri-Village. However, it must be noted that the people are residing on privately owned land which was never approved by Council as formal township.

9.4 The following question was received from Cllr E M Bruiners of the DA:

"There is a house located on the premises of the Nasaret stadium.

We would like to know whether the purpose of the house is meant for a fulltime caretaker for the Nasaret stadium grounds or is it for residential purposes?"

(sic)"

The following reply was prepared by the Acting Executive Director: Infrastructure Services on behalf of the Executive Mayor:

1. The house on the premises is meant caretaker for purposes and not full time residential purposes. The personnel residing in the house is required to perform his/her duties and functions during the day and keep an eye on the property during the night.
2. There are sport and recreation facilities developed all over the MP313.
3. Refer to the above.
4. Substance abuse is the National challenge, thus Council develop parks and basic sport facilities.
5. The municipality (Youth and Special Programmes) works together with relevant sector departments and Private Sectors such as DSD, DCSR, DoJ, Civil Society etc. in dealing with social issues.

9.5 The following questions were received from Cllr T N Van Zyl of the DA:

The new 132/11kv electrical substation located at Mouton Street Hendrina was completed a while ago and is still not in operation.

1. *Does Council encounter any problems to put the 132/11Kv electrical substation in operation?*
2. *If the above-mentioned question is true what is the obstacles that are encountered and when will it be sorted out?*
3. *If there is no problem, why is the mentioned substation not in operation?*

The following reply was prepared by the Acting Executive Director: Infrastructure Services on behalf of the Executive Mayor:

1. The said Sub-station in Hendrina was constructed by Eskom and hence doesn't belong to the Municipality. Steve Tshwete Local Municipality has no knowledge of the obstacles preventing the commission of the substation. However, clarity in this regard will be obtained from Eskom.

(sic)"

9.6 The following questions were received from Cllr M A Hadebe of the EFF:

"With regard to the clinic at (Kwazamokuhle) Hendrina:

1. *What is current situation with regard to the upgrade/ development of the clinic*
2. *On what date was the contractor originally supposed to complete the work*
3. *On what date is the clinic expected to be officially open.*

(sic)"

The following reply was prepared by the Executive Director: Community Services on behalf of the Executive Mayor:

1. The above questions were referred to Mrs Cheryl Nelson from Mpumalanga Provincial Health. Mrs Nelson acknowledged the receipt of questions on 24 May 2017. She made commitment to respond to questions as soon as possible.

9.7 The following questions were received from Cllr E Sebesho of the EFF:

"With regard to recreation and sporting facilities in our communities:

1. *If they are aware that we don't have those facilities and what is the MMC doing to have those facilities*
2. *Whether they are aware that having those facilities will keep away our youth from drugs, alcohol and teenage pregnancy*
3. *Whether you know young people are stimulated they excel academically and off the street and trouble*
4. *Whether you aware that drugs are dealing with our youth*
5. *What's your plan to save our youth? We should not forget they are our future leaders*

The following reply was prepared by the Executive Director: Infrastructure Services on behalf of the Executive Mayor.

1. There are sport and recreational facilities developed at various urban and rural villages areas within the area of jurisdiction of MP313. As part of spatial planning processes, provision for these facilities is made within in the layout designs of various integrated human settlements and zoned accordingly. The sport and recreational facilities are developed on an annual basis as and when funds become available.

(sic)"

9.8 The following questions were received from Cllr A Manqotywa of the EFF:

"With regard to contracts provision of Security Services to STLM:

1. *On what date was the tender for the contract for Security Services to STLM issued*
2. *Was the tender process followed in awarding the tender and if not why?*
3. *If the number of unemployment is reduced by making sure that people in STLM with Security qualifications are appointed by the new company or ensure that the Guards who work for outgoing company re also recruited to avoid unemployment stats growing u. because of the ended contract for previous company.*

(sic)"

The following reply was prepared by the Executive Director: Community Services on behalf of the Executive Mayor:

1. Tender BA03/09/2016: Provision of Security Services at Steve Tshwete Local Municipality at electrical posts and other areas for a period of 36 months was awarded to Modise Protection Services on 24 March 2017.

1.1 Tender BA02/09/2016: Provision of Security Services at Steve Tshwete Local Municipality at Council Buildings for a period of 36 months was awarded to Mabotwane Security Services on 24 March 2017.

2. The Tender process was followed according to the procurement policy.

3. Security Officers had the opportunity to apply to be recruited by incoming companies, provided that they had a valid PSIRA Certificates, passed the interviews in line with individual company policy. We do have those who were employed.

9.9 The following questions were received from Cllr N J Mthombeni of the EFF:

"1. How many stands are identified in Newtown

2. Which tenants will be given houses (Please provide a list) and why have those beneficiaries been decided up.

3. Has it subsequently been altered/ amended in any way and if yes please provide a copy of the amended list and reason for the amendment.

(sic)"

The following reply was prepared by the Executive Director: Community Services on behalf of the Executive Mayor:

1. In Newtown, Two Thousand Five Hundred and Fifty Three (2553) stands were identified.

2. The people who will be allocated houses will be Newtown qualifying tenants as per the approved allocation policy. The list of the approved beneficiaries will be made available by Housing Services Department when approvals are finalized.

3. No alterations were made to the lists for the projects.

4. REPORTS OF THE EXECUTIVE MAYOR

10.1 Report of the 07TH/2017 Meeting of the Mayoral Committee held on 13 APRIL 2017:

Non Delegated Powers : -

X

Delegated Powers : M01/04/2017

10.2 Report of the **08TH/2017** Meeting of the Mayoral Committee held on **04 MAY 2017**:

Non Delegated Powers : C01;02;04;05;06 & C10/05/2017

Delegated Powers : M03;07;08;09 & M12/05/2017

10.3 Report of the **09TH/2017** Meeting of the Mayoral Committee held on **11 MAY 2017**:

Non Delegated Powers : -

Delegated Powers : M13/05/2017

10.4 Report of the **10TH/2017** Meeting of the Mayoral Committee held on **23 MAY 2017**:

Non Delegated Powers: C14;15;17;23;24;25;26;27;28;29;31;36;37;38;39
& C40/05/2017.

Delegated Powers : M16;18;19;20;21;22;30;32;33 & M34/05/2017

5. NOTICE OF MOTIONS

11.1 The following motion was received from Cllr H F Niemann:

Motion 107

"That a report be submitted to Council on the status of the Municipal accounts of Councillors on the properties mentioned in their annual declaration of interest."

6. DEFERRED ITEMS

7. IN-COMMITTEE MATTERS

8. CLOSURE

REPORT OF THE

04th / 2017

MEETING OF THE MUNICIPAL PUBLIC ACCOUNTS
COMMITTEE WHICH WAS HELD IN THE COUNCIL
CHAMBER, MUNICIPAL BUILDINGS, MIDDELBURG
MPUMALANGA, ON TUESDAY

2017/04/11

I N D E X

DELEGATED POWERS

M11/05/2017

**MPAC: REPORT ON A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING
HELD ON 11 APRIL 2017.....4**

Delegated Powers

M11/05/2017

MPAC: REPORT ON A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON 11**APRIL 2017**

3/24/17 (U)

RESOLVED BY THE EXECUTIVE MAYOR

- 1 **THAT** the report on a Municipal Public Accounts Committee meeting held on 11 April 2017 as submitted by the Acting Municipal Manager, be noted.
- 2 **THAT** in terms of Delegated Powers the following recommendations taken at the above mentioned meeting be adopted by the Executive Mayor:

Recommendation nr.	Heading	Resolution taken
MPAC01/04/2017	MPAC: Quarterly report: Disciplinary actions instituted in terms of MFMA: January to March 2017	<ul style="list-style-type: none"> • That note be taken that there were no disciplinary actions instituted in terms of the MFMA for the period 01 January to 31 March 2017.
MPAC02/04/2017	MPAC: Unforeseen and unavoidable expenditure - proof of necessary adjustment budget expenditure - March 2017	<ul style="list-style-type: none"> • That note be taken that there were no new cases of unforeseen and unavoidable expenditure for March 2017. • That a further report be submitted to Council on the possibility to change the Chairperson of MPAC to "Full Time" and that such report also address the financial implications should the Chairperson of MPAC be changed to "Full Time."

REPORT OF THE

05th/2017

MEETING OF THE MUNICIPAL PUBLIC ACCOUNTS
COMMITTEE WHICH WAS HELD IN THE COUNCIL
CHAMBER, MUNICIPAL BUILDINGS, MIDDELBURG
MPUMALANGA, `ON TUESDAY

2017/05/16

I N D E X

DELEGATED POWERS

M35/05/2017

**MPAC: REPORT ON A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING
HELD ON 16 MAY 2017.....7**

M35/05/2017

MPAC: REPORT ON A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON 16 MAY 2017

3/2/4/1/17 (U)

RESOLVED BY THE EXECUTIVE MAYOR

- 1 **THAT** the report on a Municipal Public Accounts Committee meeting held on 16 May 2017 as submitted by the Acting Municipal Manager, be noted.
- 2 **THAT** in terms of Delegated Powers the following recommendations taken at the above mentioned meeting be adopted by the Executive Mayor:

ITEM	DESCRIPTION	RESOLUTION
MPAC01/05/2017	MPAC: Fruitless, wasteful, irregular & unauthorized expenditure - April 2017.	<ul style="list-style-type: none"> • That note be taken that there were no new cases of fruitless, wasteful, irregular & unauthorized expenditure for April 2017.
MPAC02/05/2017	MPAC: Unforeseen and unavoidable expenditure - proof of necessary adjustment budget expenditure - April 2017.	<ul style="list-style-type: none"> • That note be taken that there were no new cases of unforeseen and unavoidable expenditure - proof of necessary adjustment budget expenditure for April 2017.
MPAC03/05/2017	MPAC: Financial Quarterly report: January to March 2017.	<ul style="list-style-type: none"> • That the Financial Quarterly report for January to March 2017, be noted. •

REPORT OF THE

07th/2017

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

2017/04/14

I N D E X

DELEGATED POWERS

M01/03/2017

FINANCES: FINANCIAL MONTHLY REPORT FOR MARCH 2017.....11

Delegated Powers

M01/04/2017

FINANCES: FINANCIAL MONTHLY REPORT FOR MARCH 2017

9/3/1 (U)

RESOLVED BY THE EXECUTIVE MAYOR

- 1 **THAT** the monthly report for March 2017 as submitted by the Executive Director: Financial Services, be noted.
- 2 **THAT** permission be granted to the Executive Director: Financial Services 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 Director: Financial Services to place the monthly report for March 2017 on the municipal website.