



STEVE TSHWETE LOCAL MUNICIPALITY

MINUTES

OF THE

SPECIAL COUNCIL

MEETING HELD ON

29 April 2021

11:07 am



DRAFT MINUTES
MINUTES OF A SPECIAL COUNCIL MEETING HELD IN THE
COUNCIL CHAMBER, MUNICIPAL BUILDINGS ON
THURSDAY, 29 APRIL 2021 AT 11:07

PRESENT

Cllr DJ Motsepe (Executive Mayor)
Cllr AM Mabena
Cllr MI Kgalema
Cllr SM Malepeng
Cllr J Matshiane
Cllr NC Mkhuma
Ald MTE Mnguni
Cllr SD Nkadimeng
Cllr MJ Sekgwele
Cllr AM Mahlangu
Cllr L K Mahlangu
Cllr RG Mamogale
Cllr A B Marumo
Cllr PM Masilela
Cllr M Masina
Cllr M N Mathibela
Cllr JM Mitchell
Cllr T P Mnisi
Cllr TN Morufane
Cllr BP Ndala
Cllr TS Motloutong
Cllr T E Motsepe
Cllr M C Mphego
Cllr D L Paul
Cllr DJ Skhosana
Cllr M M Skhosana

Cllr J Skosana
Cllr TR Vilakazi
Cllr L J N Zondo
Cllr P V Malinga
Cllr E M Bruiners
Cllr HG de Klerk
Ald E Du Toit
Cllr J Dyason
Cllr P Mobango
Cllr SM Mogola
Cllr HF Niemann
Cllr KJ Phasha
Cllr GHE Romijn
Cllr A O Thabatha
Cllr A Struwig
Cllr DA Stuurman
Cllr DD Klopper
Cllr NM Hadebe
Cllr E Sebesho
Cllr A Mangcotywa
Cllr LC Masemula
Cllr MC Mosoma
Cllr N J Mthombeni
Cllr FM Mashaba
Cllr J Mentz

ABSENT

Cllr MI Kgalema

OFFICIALS

Mr B Khenisa	(Municipal Manager)
Mr D Mogofe	(Executive Director: Financial Services)
Mr M Khumalo	(Executive Director: Corporate Services)
Mr M Masilela	(Director: Governance & Council Support)
Ms L Silolo	(Acting Executive Director: Infrastructure Services)
Mr A Mashiloane	(Acting Executive Director: Community Services)
Mr J Zulu	(Chief Administrative Officer)
Ms D Philip	(Clerk Grade 2)
Ms P Stuurman	(Clerk Grade 1)

VISITORS

Mr Mxolisi Phaliso - Senior Manager from the Office of Auditor - General
Ms Jane Masite - Audit Committee Chairperson

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

Name of Cllr	1		Item
	From	To	
Cllr AM Mabena	11:55	11:58	SC22/04/2021
Cllr SD Nkadimeng	12:25	12:29	SC18/04/2021
Cllr M Masina	12:14	12:22	SC09/04/2021
Cllr LK Mahlangu	11:20	11:24	SC21/04/2021
Cllr PM Masilela	11:59	12:10	SC22/04/2021
Cllr MN Mathibela	12:20	12:22	SC13/04/2021
Cllr PV Malinga	11:40	11:42	SC21/04/2021
Cllr JM Mitchell	12:00	12:02	SC22/04/2021
Cllr TS Motloung	12:17	12:22	SC13/04/2021
Cllr LJJ Zondo	11:57	12:00	SC22/04/2021
	12:15	12:20	SC09/04/2021
Cllr DJ Skhosana	12:32	12:34	SC20/04/2021
Cllr DL Paul	12:07	12:10	SC22/04/2021
Cllr DA Stuurman	11:15	11:16	SC21/04/2021
Cllr P Mobango	12:13	12:21	SC09/04/2021
Cllr SM Mogola	12:02	12:09	SC22/04/2021
Cllr HF Niemann	11:15	11:16	SC21/04/2021
	12:10	12:12	SC22/04/2021
Cllr J Phasha	12:06	12:09	SC22/04/2021
Cllr A Mangcotywa	11:54	11:57	SC21/04/2021
Cllr CM Mosoma	11:38	11:41	SC21/04/2021
Cllr JN Mthombeni	11:38	11:41	SC21/04/2021
	12:15	12:22	SC09/04/2021

1 OPENING

- 1.1 The Speaker welcomed all the Councillors, Officials and the media to the Council Meeting. A Special word of welcome was also extended to Mr Mxolisi Phaliso the Senior Manager from the Office of Auditor - General and Ms Jane Masite the Audit Committee Chairperson.

A moment of silence was observed.

2 APPLICATIONS FOR LEAVE OF ABSENCE

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

RESOLVED

- 2.1.1 **THAT** note be taken that Ald RM Xaba, Cllr AS Grobler, Cllr S Wait, Cllr SJ Roos, Cllr JP Pretorius and Cllr J Duvenage have applied for leave of absence due to other obligations and the applications were approved.

AM:

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

2.2.1 None

3. DISCLOSURE OF INTEREST

None

4. REPORT OF THE MUNICIPAL MANAGER

**EXTRACT FROM THE REPORT OF THE 05TH/2021 MAYORAL
COMMITTEE MEETING HELD ON 15 APRIL 2021**

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 SC09; SC11 and SC12/04/2021 be considered.

SC09/04/2021

**LAND: APPLICATION TO PURCHASE STANDS IN ROCKDALE FOR RELOCATION
OF FAMILIES AFFECTED BY MINING ACTIVITIES - ARNOT APCO MINE**

7/2/3/2/15 (E)/iec

[MM 161672]

RESOLVED BY COUNCIL

1. **THAT** Council confirm that Stands 130-135, 146,147 and 211-215 Rockdale North and Stands 5531 and 5532 Kwazamokuhle Extension 9 have been taken up in the Municipal Asset Register to be alienated for Residential purposes and are not needed to render a minimum level of basic municipal services and that the erven will not be required for the municipality's own use at a later date.
2. **THAT** the Accounting Officer be authorised to alienate the subject properties as an unsolicited bid for residential purposes.
3. **THAT** the purchase prices be determined as follows:

Erff. number	Extent (m ²)	Market Value
RDN001300000000	350	41000.00
RDN001310000000	350	41000.00
RDN001320000000	350	41000.00
RDN001330000000	350	41000.00
RDN001340000000	404	47000.00
RDN001350000000	404	47000.00
RDN001460000000	350	41000.00
RDN001470000000	404	47000.00
RDN002110000000	349	41000.00
RDN002120000000	349	41000.00
RDN002130000000	366	43000.00
RDN002140000000	594	61000.00

RDN0021500000000	350	41000.00
K090553100000000	350	21000.00
K090553200000000	350	21000.00

4. **THAT** note be taken that should the applicant purchase the portions all services should be installed at the cost of the applicants.
 5. **THAT** all advertisement costs as well as registration costs be paid by the applicant.
 6. **THAT** the proposed sale 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 System Act 32 of 2000, as amended, Section 113 of the MFMA, Act 56 of 2003 and Section 37 of Council Supply Chain Management Policy.
 7. **THAT** 4620m² of Rockdale North and 700m² from Kwazamokuhle Extension have been taken up in the Municipal Asset Register to be alienated for Residential purposes once alienated be de-registered from the Property Plant and Equipment Register.
 8. **THAT** the expected accounting gain of R570 645,93 (V.A.T Inclusive) on the sale of Rockdale North and Kwazamokuhle Extension 9 Residential purposes being sold should be recognized in the statement of financial performance.
-
9. **THAT** the purchase price be paid in cash as determined by Council's Supply Chain Management Policy.
 10. **THAT** new valuation be obtained should the transactions not be concluded within 12 months from the date of valuation (16 March 2021).

SC11/04/2021

FINANCES: EXEMPTIONS, REBATES & REDUCTIONS: 30 JUNE 2020

5/17/1(M)dp

RESOLVED BY COUNCIL

1. **THAT** Council note the report by the Executive Director: Financial Services of all the exemptions, rebates and reductions in respect of municipal rates granted for the financial year ended 30 June 2020.
2. **THAT** the report as mentioned in paragraph 1, be approved.

SC12/04/2021
LAND: APPLICATION FOR 15-30 HECTARE OF AGRICULTURAL LAND FOR AN
AGRICULTURAL PARK

7/2/3/2/8 (Z)

160568]

[MM

RESOLVED BY COUNCIL

1. **THAT** Council confirm that a 20 hectare portion of the Remainder of Portion 8 of the Farm Springboklaagte 416 JS, is not needed to render the basic level of municipal services and is not needed for the Municipality's own use during the period for which the right to use, control or manage the asset is to be granted ;
2. **THAT** the Accounting Officer be authorized to lease the property through an unsolicited bidding process;
3. **THAT** a written lease agreement be entered into in respect of the subject property, subject to the following conditions:
 - 3.1 **That** the lease be limited to 3 (three) years.
 - 3.2 **That** the market rental be determined at R920.00 (Nine Hundred and Twenty Rand) per month including VAT until 30 June 2021, subject to an annual escalation of 8% on 01 July, annually and reviewable 3-yearly.
 - 3.3 **That** the market rental be reviewed should a lease agreement not be concluded within 12 months from the date of valuation (04/03/2021).
 - 3.4 **That** the portion to be leased be limited to 20 (twenty) hectares in extent, the final identification and allocation of which is to be done by the Town Planning and Human Settlements Department.
 - 3.5 **That** a lease agreement only be entered into once the applicant has signed a document indicating that the portion to be leased has been indicated to him/her and that he/she is aware of the exact location thereof.
 - 3.6 **That** should the lessee require, but the property does not have access to engineering, water or electrical services, the bulk servicing, contribution and connection costs will be for the account of the lessee.
 - 3.7 **That** the lessee shall enter into a consumer agreement with Council for any services required and/or used and shall pay the necessary deposits upon signature of the consumer agreement.
 - 3.8 **That** the property be used for agricultural purposes (Agricultural Park assisting emerging farmers and aiding in the development of farming businesses) only.

- 3.9 That the property shall be fenced off by and at the cost of the lessee.
- 3.10 That no permanent structures may be erected on the property.
4. THAT the proceeds from the lease be allocated to Segment description: (171/555) Leased Properties: Rental Land (171/020).
5. THAT the proposed lease be advertised in terms of Section 79(18) of the Local Government Ordinance 19 of 1939 as amended read together with Section 113 of the Municipal Finance Management Act 56 of 2003, Section 21 of the Municipal Systems Act 32 of 2000 and Section 37 of the Council's Supply Chain Management Policy.

**EXTRACT FROM THE REPORT OF THE 06TH/2021 MAYORAL
COMMITTEE MEETING HELD ON 22 APRIL 2021**

NON DELEGATED POWERS

With the consideration of this report, the Executive Mayor requested that paragraph 3 be added to Item SC18/04/2021 of the Recommendation by the Executive Mayor to read as follows:

"THAT all Councillors be included in getting bursaries to further their studies."

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT the report by the Executive Mayor in respect of items SC13;C15;SC16;SC17; SC18 and SC19/04/2021 be considered.

SC13/04/2021

**COUNCIL ARRANGEMENTS: 2020/2021 ANNUAL DECLARATION OF INTEREST
BY COUNCILLORS IN TERMS OF SECTION 7(2) OF THE COUNCILLORS' CODE
OF CONDUCT**

3/3/3 (G)

RESOLVED BY COUNCIL

1. **THAT** the report by the Executive Director: Corporate Services regarding the 2020/2021 annual submission of the declaration of interest forms by Councillors for the 2020/2021 Financial Year in terms of Section 7(2) of the Code of Conduct, be noted.
2. **THAT** the non-submission of the declaration of interest forms by the following Councillors be attended to by the Speaker in terms of Section 95 of the Rules of Order:
 - 2.1 Cllr M I Kgalema
 - 2.2 Ald R M Xaba
 - 2.3 Cllr M Masina
 - 2.4 Cllr L J N Zondo
 - 2.5 Cllr L C Masemula
3. **THAT** it be noted that a Register was compiled by the Municipal Manager on the declaration forms submitted by the Councillors.

4. **THAT** in terms of Section 67 of the Rules of Order, Council is requested to individually take note of the declaration forms submitted by Councillors.
5. **THAT** in terms of Resolution C27/01/2021, the Legal Section verify the declaration of interest forms received and submit a verification report to the Rules & Ethics Committee whereafter the recommendation of the Rules & Ethics Committee must be considered by Council before 30 June 2021.

SC15/04/2021**FINANCES: FINANCIAL QUARTERLY REPORT : MARCH 2021**

9/2/1(Q)

RESOLVED BY COUNCIL

1. **THAT** the quarterly in-year report for March 2021, be noted.
2. **THAT** permission be granted to the Executive Director: Financial Services to submit the report in both an electronic and hard copy format to the National and Provincial Treasury.
3. **THAT** permission be granted to the Executive Director: Financial Services to place the Financial Quarterly report March 2021 on the municipal website.

SC16/04/2021**QUARTERLY REPORT FOR SUPPLY CHAIN MANAGEMENT: THIRD QUARTER (FROM JANUARY TO MARCH 2021)**

9/2/2 (Q)

RESOLVED BY COUNCIL

1. **THAT** the quarterly report on the implementation of Supply Chain Management Policy of the municipality for the Third Quarter ending 31 March 2021, be noted.
2. **THAT** permission be granted to the Executive Director: Financial Services to publish this Quarterly report in terms of Supply Chain Management Regulation 6 (3) and (4).

SC17/04/2021

**COUNCIL ARRANGEMENTS: SCHEDULE FOR COUNCIL, MAYORAL COMMITTEE
AND COUNCIL COMMITTEE MEETINGS FOR THE 2021/2022 FINANCIAL YEAR**
3/2/2/3 & 3/2/3/1 (B)

RESOLVED BY COUNCIL

1. **THAT** Council take note that the Speaker determined the following dates, venue and time for Council meetings during 2021/2022 financial year:

MEETING	DATE	VENUE	TIME
Ordinary Council	27 July 2021	Council Chamber	11:00
Special Council	24 August 2021	Council Chamber	11:00
Ordinary Council	28 September 2021	Council Chamber	11:00
Special Council	26 October 2021	Council Chamber	11:00
Ordinary Council	30 November 2021	Council Chamber	11:00
Ordinary Council	25 January 2022	Council Chamber	11:00
Special Council	22 February 2022	Council Chamber	11:00
Ordinary Council	29 March 2022	Council Chamber	11:00
Special Council	26 April 2022	Council Chamber	11:00
Ordinary Council	31 May 2022	Council Chamber	11:00
Special Council	28 June 2022	Council Chamber	11:00

2. **THAT** Council take note that the Executive Mayor determined the following dates for Mayoral Committee meetings during the 2021/2022 financial year, and that only finalized items, submitted in accordance with **Resolution C05/08/2019** to the Department Corporate Services, 10 working days prior to the scheduled Mayoral Committee meeting, be considered for possible inclusion on the Agenda of the Mayoral Committee:

Date of 1 ST Mayoral Committee meeting	Date of 2 ND Mayoral Committee meeting
08/07/2021	22/07/2021
12/08/2021	19/08/2021
09/09/2021	16/09/2021
14/10/2021	21/10/2021
11/11/2021	25/11/2021

09/12/2020	Recess
13/01/2022	20/01/2022
10/02/2022	17/02/2022
10/03/2022	24/03/2022
14/04/2022	21/04/2022
12/05/2022	26/05/2022
09/06/2022	23/06/2022

3. **THAT** Council take note that the Speaker determined the following dates for the Section 79 Political Monitoring meetings during 2021/2022 financial year:

Section 79 Political Portfolio Committee	Aug 2020	Oct 2020	Dec 2020	Feb 2021	Apr 2021	Jun 2021
Financial Services (FS) (Time: 09:00)	4	6	1	2	6	1
Corporate and Support Services (CSS) (Time: 11:00)	4	6	1	2	6	1
Spatial Development and Human Settlement (SDH) (Time: 09:00)	5	7	2	3	7	2
Infrastructure Development Services (IDS) (Time: 11:00)	5	7	2	3	7	2
Community Safety (CS) (Time: 9:00)	6	8	3	4	8	3
Art, Culture & Environmental Health (ACEH) (Time: 11:00)	6	8	3	4	8	3

4. **THAT** Council take note that the Speaker determined the following dates for the MPAC meetings during the 2021/2022 financial year:

14 July 2021
 18 August 2021
 15 September 2021
 13 October 2021
 17 November 2021
 08 December 2021
 12 January 2022
 16 February 2022

16 March 2022
13 April 2022
18 May 2022
15 June 2022

5. **THAT** Council take note that the Speaker determined the following dates for the Rules and Ethics Committee meetings during the 2021/2022 financial year:

21 July 2021
22 September 2021
24 November 2021
19 January 2022
23 March 2022
25 May 2022

SC18/04/2021
DRAFT EXTERNAL BURSARY POLICY
4/4/1 (C)

With the consideration of this item the Executive Mayor request paragraph 3 be added:

" **THAT** all Councillors be included in getting Bursaries to further their studies."

RESOLVED BY COUNCIL

1. **THAT** Council take note of the report by the Executive Director: Corporate Services on the draft External Bursary Policy.
2. **THAT** Council approve and adopt the External Bursary Policy, attached to the Agenda as **ANNEXURE A** provided:
 - 2.1 **That** preference be given to students with disabilities.
 - 2.2 **That** the payment of accommodation and meals costs be defined prior to submission to Council.
3. **THAT** all Councillors be included in getting Bursaries to further their studies.

AM

SC19/04/2021

STRATEGY: COMMUNICATION STRATEGY

6/2/1/4 (C)

RESOLVED BY COUNCIL

1. **THAT** the report by the Executive Director: Corporate Services regarding a Communications Strategy, be noted.
2. **THAT** the Communications Strategy, attached to the Agenda as **ANNEXURE A** be approved and adopted by Council.
3. **THAT** the Communications Strategy be work-shopped with all Councillors and Employees.

URGENT REPORT BY THE MUNICIPAL MANAGER**NON DELEGATED POWERS**

SC20/04/2021

MPAC: REPORT OF THE SPECIAL MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING WHICH WAS HELD ON 28 APRIL 2021

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

RESOLVED BY COUNCIL

1. **THAT** the report on a Special Municipal Public Accounts Committee meeting held on 28 April 2021 as submitted by the Municipal Manager, be noted.
2. **THAT** the following recommendation taken at the above-mentioned meeting be considered by Council:

Recommendation number	Heading	Recommendation by MPAC
MPAC04/04/2021	MPAC: Annual Report 2019/20	1. THAT MPAC notes the 2019/20 Annual Report without reservations.

SC21/04/2021

COUNCIL: REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS, ANNUAL PERFORMANCE REPORT, COMPLIANCE WITH LEGISLATION AND OTHER LEGAL AND REGULATORY REQUIREMENTS OF STEVE TSHWETE LOCAL MUNICIPALITY FOR THE YEAR ENDED 30 JUNE 2020 (3/2/4/1/17)(L)

With the consideration of this matter, the Speaker requested Mr M Phaliso the Senior Manager from the Office of the Auditor - General to make a presentation on the Report of the Auditor - General.

RESOLVED BY COUNCIL

1. THAT the report by the Auditor-General of South Africa be noted.
2. THAT it be noted that the Municipality received an unqualified audit opinion with no findings (clean audit outcome) for the financial year ended 30 June 2020.
3. THAT the audited Annual Financial Statements, Annual Performance Report and Audit Report be included in the Annual Report and be submitted to MPAC for oversight.
4. THAT an Audit Action Plan on the Audit Report be submitted to Council.

SC22/04/2021

ANNUAL AUDIT AND PERFORMANCE COMMITTEE REPORT FOR 2019/2020 FINANCIAL YEAR TO COUNCIL

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

With the consideration of this matter, the Speaker requested Ms J Masite, the Audit Committee Chairperson to make a presentation on the Audit and Performance Committee Report.

RESOLVED BY COUNCIL

1. THAT the content of the Audit and Performance Committee report for the 2019/2020 financial year, be noted.

Meeting closed at 12:33

SIGNED AT MIDDELBURG ON 25 May 2021



SPEAKER