

**STEVE TSHWETE LOCAL MUNICIPALITY**

# **MINUTES**

OF THE

## **SPECIAL COUNCIL**

MEETING HELD ON

**28 June 2022**

11:09 am



**MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN  
THE COUNCIL CHAMBER, MUNICIPAL BUILDINGS,  
MIDDELBURG, MPUMALANGA ON  
TUESDAY, 28 JUNE 2022 AT 11:09**

**PRESENT**

Cllr MG Maseko (Acting Executive Mayor)	Cllr H F Niemann
Cllr TR Mpye	Ald JP Pretorius
Cllr CS Mashiloane	Cllr LS Qoka
Cllr BC Shabangu	Cllr GHE Romijn
Cllr MJ Sekgwele	Cllr CM Soko
Cllr GNB Mathibela	Cllr A Struwig
Cllr Cllr LE Nkwana	Cllr DA Stuurman
Cllr MC Mphego	Cllr AO Thabatha
Cllr MG Amigo	Cllr DJ van der Merwe
Cllr I Mahlangu	Cllr S Wait
Cllr PV Malinga	Cllr N Böttoman
Cllr ME Nyambi	Cllr A Chego
Cllr WMM Phetla	Cllr OA Cossa
Cllr LN Sibanda	Cllr P Malinga
Cllr JF Sithole	Cllr MJ Mapheto
Cllr ML Shabangu	Cllr JN Mthombeni
Cllr JM Shongwe	Cllr ZJ Ngubeni
Cllr J Skosana	Cllr NT Tshoane
Cllr PE Williams	Cllr MP Mogola
Cllr LNJ Zondo	Cllr NZO Motla
Cllr SW Zulu	Cllr BH Mokoena
Cllr E M Bruiners	Cllr H Pilodia
Cllr HG de Klerk	Cllr J Segage
Cllr J Dyason	Cllr JC Haarhoff
Cllr DD Klopper	Cllr J Mentz
Cllr P Mobango	Cllr CJ Wolmarans

**ABSENT**

None

## OFFICIALS

Ms T Zulu	(Acting Municipal Manager)
Mr M Mogofe	(Executive Director: Financial Services)
Ms R Makgata	(Executive Director: Infrastructure Services)
Mr M Masilela	(Director: Governance and Council Support)
Mr M Mahamba	(Director: Town Planning and Human Settlement)
Ms S Malepane	(Acting Chief Information Officer)
Mr N Tjia	( Chief Risk Officer)
Mr L Dolo	(Chief Audit Executive)
Ms B Mabena	(Acting Chief Administrative Officer)
Ms P Stuurman	(Clerk Grade 1)
Ms D Philip	(Clerk Grade 2)

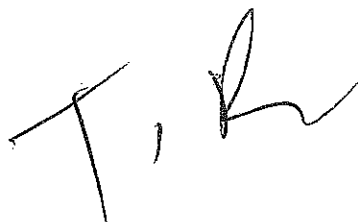
### Temporary absence from the meeting in terms of Section 45(2)(c)

Name of Cllr	1		
	From	To	Item
Cllr GNB Mathibela	11:21	11:32	SC04/06/2022
Cllr LJJ Zondo	11:52	11:55	SC07/06/2022
Cllr EM Bruiners	11:49	11:50	SC07/06/2022
Cllr AO Thabatha	11:43	11:46	SC06/06/2022
Cllr DJ Van Der Merwe	11:47	11:49	SC07/06/2022
Cllr OA Cossa	11:53	11:56	SC07/06/2022
Cllr NJ Mthombeni	11:37	11:40	SC06/06/2022
Cllr J Segage	11:44	11:47	SC06/06/2022

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## OPENING

- 1.1 The Speaker requested Cllr NZO Motla to open the meeting with a prayer and in his opening remarks he thanked the Councillors and Administration for their commitment, determination, willingness, passion, sacrifice and for making sure that the Municipality is performing as expected. He then welcomed everyone present and declared the meeting open.
- 1.2 The Speaker informed the meeting that after all items on the Agenda of the Special Council meeting are taken into consideration the meeting will temporarily adjourn for 5 to 10 minutes in order to allow Whips to compile a Speakers list for the items on the Urgent Report of the Special Council meeting.



2. **APPLICATIONS FOR LEAVE OF ABSENCE**

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

2.1.1 THAT note be taken that Cllr PM Masilela (Executive Mayor); Cllr SM Mogola; Cllr AS Grobler; Cllr BC Mashabela and Cllr ST Mathunyane have applied for leave of absence due to other obligations and the applications were approved.

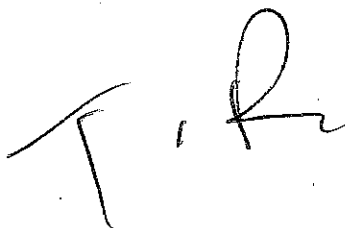
2.2 **Application for leave of absence in terms of Section 13 (2) of the Rules of Order**

2.2.1 THAT note be taken that Cllr EP Mahlangu have applied for leave of absence due to other obligations and the applications were approved.

3. **DISCLOSURE OF INTEREST**

3.1 THAT note be taken that Ms ET Zulu, the Acting Municipal Manager will recuse herself with the consideration of item SC12/06/2022.

4. **REPORT OF THE MUNICIPAL MANAGER**

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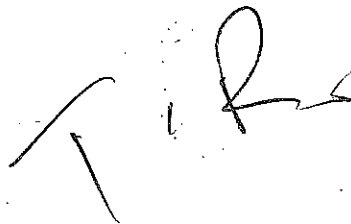
**REPORT OF THE 12TH/2022 MEETING OF THE MAYORAL COMMITTEE  
MEETING WHICH WAS HELD IN THE COUNCIL CHAMBER ON TUESDAY  
23 JUNE 2022**

**NON DELEGATED POWERS**

Upon request by the Executive Mayor, it was

**RESOLVED BY COUNCIL**

**THAT** the report by the Executive Mayor in respect of item SC04, SC05, SC06, SC07, SC08 and SC09/06/2022 be considered.

A handwritten signature in black ink, appearing to be 'T. R.', is located at the bottom center of the page.

# **NON DELEGATED POWERS**

**SC04/06/2022****CONTRACTS: RESCISSION OF COUNCIL RESOLUTION C08/02/2022**

8/1/1 (T)

**RESOLVED BY COUNCIL**

1. THAT Council Resolution SC08/02/2022 be rescinded.

**SC05/06/2022****MPAC: REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING WHICH WAS HELD ON 25 MAY 2022**

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

**RESOLVED BY COUNCIL**

1. THAT the report on a Municipal Public Accounts Committee meeting held on 25 May 2022 as submitted by the Acting Municipal Manager, be noted.
2. THAT the following recommendations taken at the above-mentioned meeting be considered by Council:

<b>Recommendation number</b>	<b>Heading</b>	<b>Recommendation by MPAC</b>
MPAC01/05/2022	MPAC: Unforeseen & unavoidable expenditure – Proof of necessary adjustment budget expenditure – April 2022	1. THAT note be taken that there were no new cases of unforeseen and unavoidable expenditure for April 2022.
MPAC02/05/2022	MPAC: Fruitless, wasteful, irregular & unauthorized expenditure – April 2022	1. THAT note be taken that there were no new cases of fruitless, wasteful, irregular and unauthorized expenditure for April 2022.
MPAC03/05/2022	Report and recommendation on the findings by the Auditor-General 2020/2021 financial year	1. THAT the report by the Council attorneys regarding the unauthorised expenditure in the sum of R107 014 335,00 as well as the fruitless and wasteful expenditure of R38 773,00 identified by the Auditor-General in the 2020/2021 financial year respectively confirming that these matters were dealt with properly in terms of Council Resolutions C06/02/2022 and C09/02/2022, be accepted.

		<p>2. THAT the opening balance of the previous existing irregular expenditure in the sum of R488 900,00 incurred be condoned on the basis that there was value for money and regarding the said expenditure as repeated splitting warranting it as financial misconduct and consequence management being pursued will result in substantive unfairness per the reasons indicated per the Labour Relations Act coupled with paragraph 3 of Resolution C41/06/2020 (MPAC07/06/2020) being rescinded.</p> <p>3. THAT the municipality amends the Standard Operating Procedures ("SOP") in order to lay down step by step guidelines to the tender processes to allow more information that relates to the following processes available to the municipal officials prior to taking a decision to follow the quotation procedures or a competitive bidding.</p>
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T. R.



**SC06/06/2022****LAND: APPLICATION TO PURCHASE A PORTION OF ERF 3892 MHLUZI FOR RESIDENTIAL PURPOSES**

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

[MM 140260,155326]

**RESOLVED BY COUNCIL**

1. THAT Council confirms that a Portion of Erf 3892 Mhluzi Extension 1, being 546 Square Metres in extent and 1 Metre wide, to be alienated for residential purposes, is not needed to render a minimum level of basic municipal services and that the property will not be required for the municipality's own use at a later date.
2. THAT the Accounting Officer be authorized to alienate the property as an unsolicited bid.
3. THAT a Portion (546 Square Metres in extent and 1 Metre wide) of Erf 3892 Mhluzi Extension 1, be sold to the applicants, being the owners of Erf 3842 and Erf 3841 Mhluzi Extension 1.
4. THAT Erf 3892 Mhluzi Extension 1 serves as a servitude for the Civil Engineering department and that the sale of a Portion of Erf 3892 Mhluzi Extension 1 will not affect allowance for future maintenance.
5. THAT there is no requirement for the amendment or changes to the water services rendered to Erf 3842 Mhluzi Extension 1.
6. THAT the market value of the property is R82.00 (Eighty Two Rand) per Square Metre VAT inclusive.
7. THAT a new valuation be obtained should a transaction not be concluded within 12 months from date of the valuation (19 July 2019).
8. THAT all services to be installed and costs for all town planning applications e.g., subdivision, consolidation and rezoning be for the account of the Purchasers.
9. THAT all advertisement costs as well as registration costs be paid by the applicant.
10. 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.
11. THAT a Portion of Erf 3892 Mhluzi Extension 1, once alienated be de-registered from the Property Plant and Equipment Register.
12. THAT the expected accounting loss from the alienation of a Portion of Erf 3892 Mhluzi Extension 1 be recognized in the statement of financial performance.
13. THAT the purchase price be paid in cash as determined by Council's Supply Chain Management Policy.



SC07/06/2022

**LAND: REQUEST TO PURCHASE A PORTION OF ERF 11050 MIDDELBURG EXT 33  
FOR PARKING PURPOSES**

7/2/3/2/4 (E)/tec

[MM 165180]

With the consideration of this item Cllr BH Mokoena submitted the following proposal which was seconded by Cllr H Pilodia:

That the following additional condition be imposed on the sale:

*"That the the applicant be made fully aware of the unfavourable geographic conditions of the land and that he/she be required to indemnify the Council againts any future negative effects on his/her business resulting from these unfavourable conditions."*

In view of the fact that no other counter proposal was received, the proposal by Cllr BH Mokoena was therefore accepted.

**RESOLVED BY COUNCIL**

1. THAT Council confirm that a portion of Erf 11050 Middelburg Ext 33 measuring about 1000m<sup>2</sup> in extent is not needed to render a minimum level of basic municipal services and that the portion of land will not be required for the municipality's own use at a later stage.
2. THAT the Accounting Officer be authorised to alienate a Portion of Erf 11050 Middelburg Ext 33 as an unsolicited bid.
3. THAT only parking activities shall be allowed on the subject property and no structures of any nature shall be erected on the property.
4. THAT all the relevant town planning processes including rezoning, park closure, subdivision, consolidation, geotechnical investigation and environmental impact assessment shall be conducted by the applicant at his own costs.
5. THAT a site development plan for the proposed use shall be submitted to the Town Planning Department for evaluation prior to submission of the building plans.
6. THAT the market value of the subject property be R350 000.00 (Three Hundred and Fifty Thousand Rand) VAT included.
7. THAT the property be re-valued should a transaction not be concluded within 12 months from the date of valuation.



8. **THAT** all advertisement costs as well as registration costs be paid by the applicant.
9. **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.
10. **THAT** 1000m<sup>2</sup> of Portion listed below of Erf 11050 Middelburg Ext 33 has been taken up in the PPE to be alienated for Parking purposes once alienated be deregistered from the Property Plant and Equipment Register.
11. **THAT** the purchase price be paid in cash as determined by Council's Supply Chain Management Policy.
12. **THAT** the the applicant be made fully aware of the unfavourable Geographic conditions of the land and that they be required to indemnify the Council against any future negative effects on their business resulting from these unfavourable conditions.

**SC08/06/2022**

**AMENDMENT OF WATER SERVICES BY - LAW**

1/1(C)/mm

**RESOLVED BY COUNCIL**

1. **THAT** Council take note of the report by the Executive Director: Infrastructure Services on the reviewed Water Services By-law:
2. **THAT** the draft Water Services By-laws be published for public comments in accordance with Section 12(3) of the Local Government: Municipal Systems Act 32 of 2000, as amended.
3. **THAT** a further report be submitted by the Executive Director: Corporate Services upon the expiration of the publication period.

T R

**SC09/06/2022**

**FINANCES: LOCAL GOVERNMENT: DETERMINATION OF UPPER LIMITS OF THE SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBER OF MUNICIPAL COUNCILS**

5/8/18 (C)/mm

**RESOLVED BY COUNCIL**

1. **THAT** the Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils determined per Government Gazette No. 46470 under Notice No. R.2126 of 2 June 2022, be noted.
2. **THAT** note be taken that, based on the points of categorization of the municipality for Public Office Bearers, this Municipality is a grade 5.
3. **THAT** the Upper Limits as set out in Government Gazette No. 46470 of 2 June 2022 be approved for implementation from 01 July 2022, subject to concurrence being obtained from the MEC responsible for local government.
4. **THAT** the variance be sourced from the current budget and be approved by Council.

## DELEGATED POWERS

*Upon request by the Executive Mayor, it was*

**RESOLVED BY THE EXECUTIVE MAYOR**

*THAT Council take note of Resolutions SM10/06/2022 taken by the Executive Mayor in terms of Delegated Powers.*

## DELEGATED POWERS

**SM10/06/2022**

**FINANCES: IN YEAR REPORTS: FINANCIAL MONTHLY REPORT FOR MAY 2022**

9/3/1 9(Q)

**RESOLVED BY THE EXECUTIVE MAYOR**

1. **THAT** the monthly in-year report for May 2022 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 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 monthly in-year report May 2022 on the municipal website.
4. **THAT** permission be granted to the Executive Director: Financial Services to upload the monthly report for May 2022 on the National Treasury portal.

The Speaker temporary adjourned the meeting to allow the Whips to compile the Speakers list for the Urgent Items.

**Temporary Adjournment 12:28**

**The Continuation of the meeting resumed at 12:47**

T i R

**URGENT REPORT OF THE SPECIAL MAYORAL COMMITTEE MEETING  
WHICH WAS HELD IN THE COUNCIL CHAMBER ON MONDAY  
27 JUNE 2022**

**NON DELEGATED POWERS**

Upon request by the Executive Mayor, it was

**RESOLVED BY COUNCIL**

**THAT** the report by the Executive Mayor in respect of item SC11/06/2022 and SC12/06/2022, be considered.

T.R

# NON DELEGATED POWERS

With the consideration of the urgent report, lengthy discussion were held and subsequent to the discussions, Cllr H Niemann suggested a temporary adjournment of the meeting to allow Councillors time to caucus on the matter and the request was granted by the Speaker in terms of Section 43 (1) of the Rules of Order.

Due to the technical issues on the time allocation system Cllr P Mobango suggested that the All Political Parties be re-allocated their original time as when the meeting started and the suggestion was accepted by the Speaker.

**Temporary adjournment 13:02**

**The continuation of the meeting resumed at 13:16**

**SC11/06/2022**

**ADJUSTED PERFORMANCE PLAN FOR SECTION 54(A) AND 56 MANAGERS AS WELL AS THE QUARTER 3 ORGANISATIONAL PERFORMANCE MANAGEMENT REPORT FOR THE 2021/2022 FINANCIAL YEARS**

3/5(C)/mm

**RESOLVED BY COUNCIL**

1. THAT the matter be referred back and be considered at a forthcoming meeting.

**SC12/06/2022**

**PERSONNEL: APPOINTMENT OF AN ACTING MUNICIPAL MANAGER**

4/5/2/8 (L)

THAT note be taken that with the consideration of this item, Ms ET Zulu, the Acting Municipal Manager recused herself from the meeting. The Executive Director: Financial Services Mr M Mogofe was requested to act as the Acting Municipal Manager for the remainder of the meeting.

**RESOLVED BY COUNCIL**

- 1 THAT in the Executive Director: Community Services, Ms ET Zulu be appointed as an Acting Municipal Manager for a period of Three (3) months with effect from 01 July 2022 or until the filling of the post whichever comes first.
- 2 THAT the MEC for Cooperative Governance and Traditional Affairs (COGTA) be requested to consider paragraph 1 above.


TR



5. CLOSURE

The meeting adjourned at 13:48

SIGNED AT MIDDELBURG ON 26/07/2022

  
\_\_\_\_\_  
SPEAKER