



STEVE TSHWETE LOCAL MUNICIPALITY

MINUTES

OF THE

SPECIAL COUNCIL

MEETING HELD ON

28 February 2023

11:09 am



MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE SYDNEY CHOMA BANQUET HALL,
MIDDELBURG, ON TUESDAY, 28 FEBRUARY 2023 AT 11:09

PRESENT

Cllr PM Masilela (Executive Mayor)	Cllr SM Mogola
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 MG Maseko	Cllr DA Stuurman
Cllr Cllr LE Nkwana	Cllr AO Thabatha
Cllr MG Amigo	Cllr S Wait
Cllr I Mahlangu	Cllr N Bottoman
Cllr PV Malinga	Cllr A Chego
Cllr ME Nyambi	Cllr OA Cossa
Cllr W MM Phetla	Cllr E P Mahlangu
Cllr LN Sitanda	Cllr P Malinga
Cllr JF Sithole	Cllr ZJ Ngubeni
Cllr ML Shabangu	Cllr TN Tshoane
Cllr JM Shongwe	Cllr ST Mathunyane
Cllr J Skosana	Cllr BC Mashabela
Cllr LNJ Zondo	Cllr MP Mogola
Cllr SW Zulu	Cllr NZO Motla
Cllr E M Bruiners	Cllr J Segage
Cllr HG de Klerk	Cllr MC Skosana
Cllr J Dyason	Cllr JC Haarhoff
Cllr AS Grobier	Cllr J Mentz
Cllr H F Niemann	Cllr CJ Wolmarans
Cllr P Mobango	



OFFICIALS

Mr SM Mnguni	(Municipal Manager)
Mr M Mogofe	(Executive Director: Financial Services)
Mr M Khumalo	(Executive Director: Corporate Services)
Ms R Makgata	(Executive Director: Infrastructure Services)
Ms D Lambrecht	(Acting Executive Director: Community Services)
Mr M Masilela	(Director: Governance and Council Support)
Mr L Bronkhorst	(Assistant Director: Administration)
Mr J Zulu	(Chief Administrative Officer)
Ms B Mabena	(Administrative Officer Grade 2)
Ms M Motha	(Administrative Officer Grade 2)
Ms P Stuurman	(Clerk Grade 1)

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

Name of Cllr	1		
	From	To	Item
Cllr HF Niemann	11:45	12:00	SC03/02/2023
Cllr JC Haarhoff	12:05	12:10	SC05/02/2023
Cllr J Mentz	12:05	12:10	SC05/02/2023
Cllr CJ Wolmarans	12:05	12:10	SC05/02/2023

1 OPENING

- 1.1 The Speaker welcomed everyone present and declared the meeting opened.

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 MC Mphego; Cllr PE Williams; Cllr DD Klopper and Cllr H Pilodia have applied for leave of absence due to other obligations and the applications were approved.

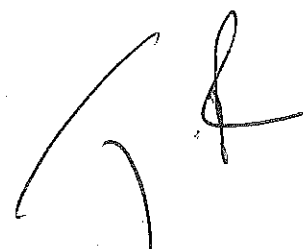
- 2.2 Application for leave of absence in terms of Section 13 (2) of the Rules of Order

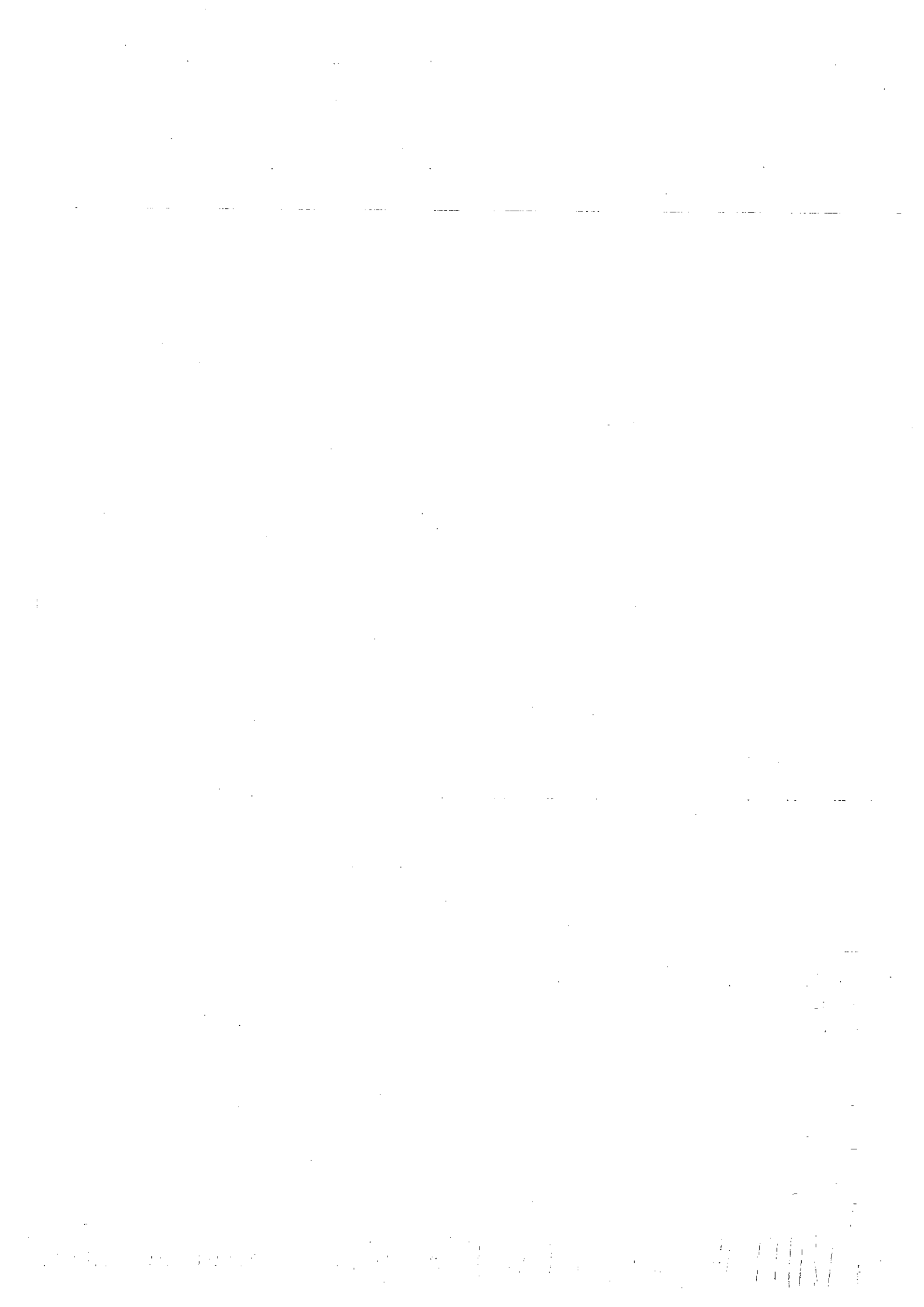
2.2.1 **THAT** note be taken that Cllr MJ Mapheto; Cllr JN Mthombeni and Cllr DJ van der Merwe have applied for leave of absence due to other obligations and the applications were approved

3. DISCLOSURE OF INTEREST

SC03/02/2023 - Ms D Lambrecht

4. REPORT OF THE MUNICIPAL MANAGER





***EXTRACT FROM THE REPORT OF THE 03th/2023
MEETING OF THE MAYORAL COMMITTEE HELD ON
14 FEBRUARY 2023***

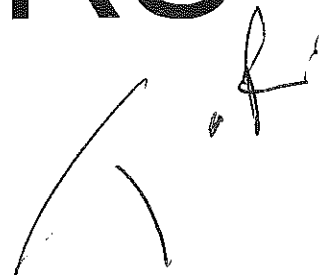
NON DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT the report by the Executive Mayor in respect of items SC02/02/2023 & SC03/02/2023, be considered.

**NON
DELEGATED
POWERS**



SC02/02/2023

UNCLAIMED DEPOSIT ON COUNCIL'S PRIMARY BANK ACCOUNT, CONSUMER ACCOUNT, CREDITORS DIRECT DEPOSIT AND UNCLAIMED DEPOSITS PAID FOR UTILIZATION OF COUNCIL'S FACILITIES

9/3/1 (B)/dp

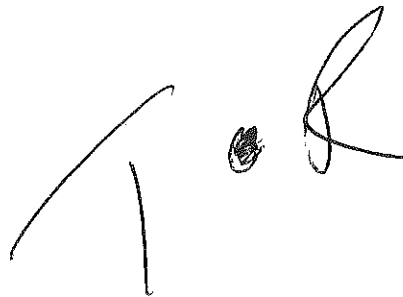
With the consideration of this matter Cllr S Mogola submitted the following proposal which was seconded by Cllr P Mobango:

- " 1. That proposal point 1 of the executive recommendation be amended to include that all social media platforms available to Steve Tshwete Local Municipality, as well as that all councillors receive this advertisement, also ensure the proper information is received by residents.
2. That a specific team or individual manage the claims with working contact details, including email addresses and phone numbers."

In view of the fact that the Executive Mayor was in agreement with the proposal and no other counter proposals were received, the proposal by Cllr S Mogola was therefore accepted.

RESOLVED BY COUNCIL

1. **THAT** the deposit register be advertised for a period of four (4) months in the local and national newspapers in order to afford the beneficiaries to submit claims for unidentified deposits, and that all social media platforms available to Steve Tshwete Local Municipality, as well as all Councillors receive this advertisement to ensure that the proper information is received by residents.
2. **THAT** a specific team or individual manage the claims with working contact details, including email addresses and phone numbers.
3. **THAT** the register be made available for inspection at the Office of the Executive Director: Financial Services and on the Municipal website.
4. **THAT** the Communication and Stakeholder Liaison Department will communicate the unclaimed deposits register to the community by utilizing the media forms available.

Handwritten signature and initials, possibly 'T.M.' or similar, in black ink.

SC03/02/2023**PERSONNEL: RESIGNATION OF THE EXECUTIVE DIRECTOR: COMMUNITY SERVICES AND FILLING OF THE POST**

4/3/R (C)

With the consideration of this matter the Director: Physical Environmental Development, Ms D Lambrecht recused herself from the meeting, then Cllr GHE Romijn submitted the following proposal which was seconded by Cllr LS Qoka;

" That Point 6 of the recommendation be as follows:

1. The Municipal Manager (Manager)
2. Chairperson of Portfolio Safety and Security
3. A Skilled and experienced person nominated by Middelburg Chamber and Commerce and Industry.
4. A Municipal Manager from a functional municipality with an unqualified audit report.
5. Senior Official from SALGA"

Pursuant to the above proposal Cllr J Segage requesting a 10 minutes caucus period which was granted by the Speaker at 11:45 and the meeting resumed at 11:55.

After the caucus period Cllr Romijn requested to amend his proposal as follows:

Point 6 of the recommendation be as follows:

- "
1. That the MM (Chairperson)
 2. Chairperson of Portfolio Safety and Security
 3. A local skilled and experience person
 4. A MM from a functional municipality with unqualified audit report
 5. Senior Official from SALGA"

Cllr Romijn was asked to clarify what he meant by Chairperson of Portfolio Safety and Security whereafter he responded that he meant the Section 79 Chairperson of Portfolio Safety and Security.

Subsequent to the amended proposal and pursuant to the deliberation, the Speaker made a Ruling and rejected the proposal by Cllr GHE Romijn averring that it was against the Legislation and Rule 19 (1)(c) (vii) of the Council's Rules of Order.

That note be taken that the following Councillors left the Sidney Choma Banquet Hall at 12:05.

Names of the Councillors

Cllr EM Bruiners
 Cllr HG de Klerk
 Cllr J Dyason
 Cllr AS Grobler
 Cllr HF Niemann
 Cllr P Mobango
 Cllr SM Mogola
 Ald JP Pretorius
 Cllr LS Qoka
 Cllr GHE Romijn
 Cllr CM Soko
 Cllr A Struwig

Cllr DA Stuurman
Cllr AO Thabatha
Cllr S Wait
Cllr N Bottoman
Cllr A Chego
Cllr OA Cossa
Cllr EP Mahlangu
Cllr P Malinga
Cllr ZJ Ngubeni
Cllr NT Tshoane
Cllr ST Mathunyane
Cllr BC Mashabela
Cllr PM Mogola
Cllr NZO Motla
Cllr J Segage
Cllr MC Skosana
Cllr JC Haarhoff returned at 12:10
Cllr J Mentz returned at 12:10
Cllr CJ Wolmarans returned at 12:10

The Municipal Manager then advised that the meeting be proceeded with since the Councillors who left the meeting did not comply with Rule 13(1)(b) of the Rules of Order by indicating to the Speaker that they were leaving.

The Speaker then decided to proceed with the meeting.

RESOLVED BY COUNCIL

1. **THAT** Council take note that the Executive Director: Community Services has tendered her resignation with her last working day being 24 February 2023 and that she be requested to submit the handover report before the said date.
2. **THAT** Council confirms that the post referred to paragraph 1 above is needed for the municipality to meet its strategic objectives and that the recruitment process to be commenced in order to ensure sufficient capacity to deliver services to STLM communities.
3. **THAT** the remuneration be in line with the "Upper Limits of Total Remuneration Package payable to Municipal Manager and Managers directly accountable to Municipal Manager " as promulgated by the Minister of Corporative Governance and Traditional Affairs.
4. **THAT** the conditions of employment of the Executive Director: Community Services be determined as prescribed in the Regulations on Appointment and Conditions of Employment of Senior Managers (the Regulations).
5. **THAT** it be confirmed that this is a permanent post with both employment contract and annual performance plans to be signed in line with the Municipal Systems Amendment Act of 2022



6. **THAT** the following selection panel be appointed to deal with the appointment of the Executive Director: Community Services as indicated in the report and prescribed by the Regulations:
- 6.1 Municipal Manager (Chairperson)
 - 6.2 MMC for the relevant portfolio/MMC for Public Safety
 - 6.3 Municipal Manager from another Municipality
 - 6.4 Senior official delegated by the Provincial Department of Co-operative Governance and Traditional Affairs
 - 6.5 Senior official delegated by Provincial SALGA
7. **THAT** the Director: Physical Environmental Development, Ms D Lambrecht be appointed as the Acting Executive Director: Community Services for a period of three (3) months with effect from 01 March 2023 or until the filling of the post whichever comes first.
8. **THAT** the MEC for Cooperative Governance and Traditional Affairs (COGTA) be requested in terms of Section 56 of the Municipal Systems Act to consider paragraph 7 above.

A handwritten signature consisting of the letters 'T' and 'R' in a cursive, stylized font. The 'T' has a long horizontal top bar that extends to the right, and the 'R' is written below it, also with a long horizontal top bar.

***EXTRACT FROM THE REPORT OF THE 04th/2023
MEETING OF THE MAYORAL COMMITTEE HELD ON
23 FEBRUARY 2023***

NON DELEGATED POWERS

With the consideration of this report the Executive Mayor informed the meeting of the following amendments to the report:

Item SC05/02/2023 - Paragraph 6 be added to the Recommendation by the Executive Mayor to read as follows:

"**THAT** Council Resolution C40/01/2023, be rescinded."

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT the report by the Executive Mayor in respect of items SC05; SC09; SC11; SC14 & SC15/02/2023, be considered.

**NON DELEGATED
POWERS**

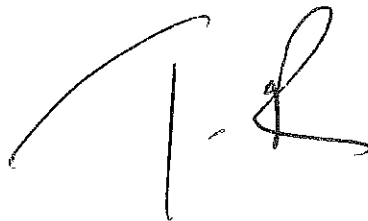
A handwritten signature in black ink, appearing to be the initials 'TR' with a stylized flourish.

SC05/02/2023**POLICY: PROPOSED AMENDMENT OF THE WAYLEAVE CONDITIONS****16/2/8/1(L)****(MM178377&181169)****RESOLVED BY COUNCIL**

1. **THAT** Council permits the amendment of Clause 4.1.6 of the Wayleave Policy to allow for the payment of once off R500,00 for the Road Reserve Usage Fee.
2. **THAT** part of Clause 4.1.6 of the Wayleave Policy be amended to read as follows:
"The once off R500,00 per kilometre road reserve usage fee shall be paid by the service provider to the municipality.
3. **THAT** the service provider who have concluded the Wayleave Agreements with the municipality and have paid R500,00 per kilometre per month be refunded the payments in excess of the once off R500,00 per kilometre for the Road Reserve Usage Fee.
4. **THAT** the Executive Director: Financial Services in conjunction with the Executive Director: Infrastructure Services be tasked to calculate the exact amount to be refunded to the service provider/s in excess of the once off R500,00 per kilometre for Road Reserve usage Fee.
5. **THAT** the Accounting Officer be mandated to approve similar requests to be refunded the payments in excess of the once off R500,00 per kilometre for the Road Reserve Usage Fee.
6. **THAT** Council Resolution C40/01/2023 be, rescinded.

SC09/02/2023**COUNCIL ARRANGEMENTS: 04TH 2022/2023 ARTS, CULTURE & ENVIRONMENTAL HEALTH MONITORING COMMITTEE REPORT FOR FEBRUARY 2023****3/2/4/1/21 (V)****RESOLVED BY COUNCIL**

- 1 **THAT** note be taken that the meeting was postponed due to the unavailability of the MMC: Community Safety as she had other commitments.



SC11/02/2023**REQUEST FOR COMMENTS ON THE INTENTION TO EXTEND THE SERVICE AREA OF RAND WATER TO PROVIDE BULK WATER SERVICES TO THE ENTIRE MPUMALANGA PROVINCE**

12/2/21(L)/nm

RESOLVED BY COUNCIL

1. **THAT** comments be provided to SALGA that the Department of Water and Sanitation intention to extend the service area of Rand Water to provide bulk water services is not supported due to the fact the Steve Tshwete Local Municipality has capacity, resources and staff to internally provide bulk water services to the communities situated within its jurisdiction.

SC14/02/2023**FINANCES: ADJUSTMENT BUDGET FOR THE 2022/2023 FINANCIAL YEAR: FEBRUARY 2023**

5/1/16 (B) /dp

RESOLVED BY COUNCIL

1. **THAT** the adjustment budget as per **ANNEXURE A** attached to the Agenda for the 2022/2023 financial year in accordance with Section 28(2) of the MFMA be approved as set out in the following adjustment budget tables:

Table B1	: Adjusted budget summary
Table B2	: Adjusted budget on financial performance by Standard classification
Table B3	: Adjusted budget of financial performance by vote
Table B4	: Adjusted budget on financial performance revenue by source and expenditure by type
Table B5	: Adjusted capital expenditure budget by vote and funding
Table B6	: Adjusted budget on financial position
Table B7	: Adjusted budget on cash flow
Table B8	: Cash backed reserves/accumulated surplus reconciliation
Table B9	: Asset management
Table B10	: Basic service delivery management Supporting tables SB1 to SB19
2. **THAT** permission be granted to the Executive Director: Financial Services to submit the adjustment budget for 2022/2023 financial year to the National Treasury and Provincial Treasury within ten (10) working days after being tabled in the Municipal Council.
3. **THAT** permission be granted to the Executive Director: Financial Services to make public the adjustment budget for 2022/2023 financial year in accordance with Section 21A of the Municipal Systems Act within ten (10) working days after approval by Council and be placed on Council's website.

4. **THAT** it be noted that sufficient saving and cash is available for the adjustments included in the 2022/2023 Adjustment Budget.
5. **THAT** the exemption of amendment of cemeteries tariffs to accommodate elderly persons as per Council Resolution C26/11/2022 has been considered in the Adjustment Budget for implementation.
6. **THAT** Council to take note and approve the consideration of the Grading using the current baseline, and that it be further noted that once the outcome has been received from the Provincial Audit Committee a further report will be tabled should differences arise.

C15/02/2023

LAND: PROPOSAL TO DONATE STANDS 11, 2637 AND 2675 AT ROCKDALE TO THE MPUMALANGA DEPARTMENT OF EDUCATION FOR THE PURPOSES OF CONSTRUCTING SCHOOL BUILDINGS AND SUPPORT FACILITIES

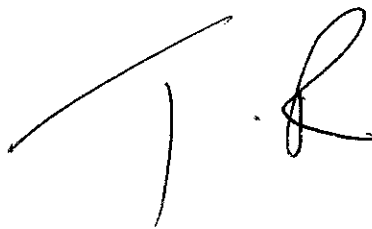
7/2/3/2/15 (E)/iec

RESOLVED BY COUNCIL

1. **THAT** note be taken of the report by the Executive Director: Infrastructure Services.
2. **THAT** Council confirm that Erf 11 Rockdale North and Erf 2675 Rockdale Ext 2 ("the properties") are not needed to render a minimum level of basic municipal services and that they will not be required for the municipality's own use at a later stage.
3. **THAT** Erf 11 Rockdale North and Erf 2675 Ext 02 be donated to the Mpumalanga Department of Education subject to the following conditions:
 - 3.1 **That** the Accounting Officer be authorised to alienate the properties as an unsolicited bid.
 - 3.2 **That** note be taken that Erf 2637 Rockdale Ext 2 has been donated already to the Mpumalanga Department of Education per Council Resolution C18/06/2016.
 - 3.3 **That** the unsolicited bid be made public in accordance with Section 21A of the Municipal Systems Act, Section 79(18) of the Local Government Ordinance 17 of 1939 as amended read together with Section 113 of the Municipal Finance Management Act 56 of 2003 as well as Section 44(3) of Council's Supply Chain Management Policy and that the applicant be held liable for the advertisement costs.



- 3.4 **That** although the properties are donated, note be taken that the fair market value of the properties are as follows:
-
- 3.4.1 **That** Erf 11 Rockdale North is R6 200 000 00 (Six Million Two Hundred Thousand Rand) VAT included.
- 3.4.2 **That** Erf 2675 Rockdale Ext 2 is R3 900 000.00 (Three Million Nine Hundred Thousand Rand) VAT included.
- 3.5 **That** the properties only be utilised for educational and related purposes.
- 3.6 **That** written Deeds of Donation be entered into between the Municipality and the applicant.
- 3.7 **That** the applicant be informed that the properties do not have access to bulk infrastructure yet.
- 3.8 **That** the applicant shall be responsible for all engineering service contribution and service connection costs.
- 3.9 **That** the applicant be liable for all costs emanating from the donation of the properties including but not limited to, advertisement costs, transfer fees, town planning, subdivision, consolidation, rezoning costs, etc.

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***URGENT REPORTS BY THE MUNICIPAL
MANAGER***

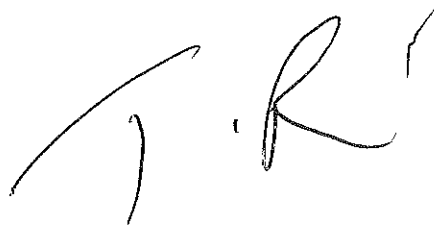
NON DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY COUNCIL

THAT the urgent report by the Municipal Manager in respect of items SC16/02/2023 & SC17/02/2023, be considered.

**NON
DELEGATED
POWERS**

A handwritten signature in black ink, appearing to be 'J.R.', is located below the large text.



SC16/02/2023

REPORT ON THE IMPLEMENTATION OF COUNCIL RESOLUTION C04/08/2022

5/1/2 (K)

RESOLVED BY COUNCIL

1. THAT permission be granted to the Municipal Manager to appoint a reputable external service provider to investigate the matter and advise on the course of action.


SC17/02/2023

YEAR TO DATE CAPITAL SPENDING: 2022/2023 FINANCIAL YEAR

9/3/1 (K)

RESOLVED BY COUNCIL

1. THAT Council to take note of the Capital Spending as at 20th February 2023 that is at 44%.
2. THAT the Municipal Manager submit monthly progress report on the capital spending to Council until the end of the financial year.
3. THAT the Municipal Manager be requested to ensure that the 95% spending on Capital project is achieved at the end of 2022/2023 financial year.
4. THAT consequence Management be put in place should any Directorate be less than 75% at the end of March 2023 and less than 95% at the end of June 2023.

A handwritten signature in black ink, consisting of a large, stylized 'T' followed by a smaller, more complex mark.

DELEGATED POWERS

Upon request by the Executive Mayor, it was

RESOLVED BY THE EXECUTIVE MAYOR

THAT Council take note of Resolution M01/02/2023 taken by the Executive Mayor in terms of Delegated Powers.

DELEGATED POWERS

Handwritten signature or initials, possibly 'T K', located below the main title.



M01/02/2023

FINANCES: FINANCIAL MONTHLY REPORT FOR JANUARY 2023

(9/3/1)Q

RESOLVED BY THE EXECUTIVE MAYOR

1. **THAT** the monthly in-year report for January 2023, be noted as submitted by the Executive Director:Financial Services.
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 January 2023 on the municipal website.
4. **THAT** permission be granted to the Executive Director: Financial Services to upload the monthly report for January 2023 on the National Treasury portal.

5. **CLOSURE**

The meeting adjourned at 12:33

SIGNED AT MIDDELBURG ON

28/03/2023



S P E A K E R