

## **MOGALAKWENA LOCAL MUNICIPALITY**

### **COUNCIL**

#### **MINUTES OF THE 28<sup>TH</sup> COUNCIL MEETING OF THE MOGALAKWENA MUNICIPALITY HELD IN THE COUNCIL CHAMBER, CIVIC CENTRE, MOKOPANE ON TUESDAY, 27 NOVEMBER 2012 AT 14:05**

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#### **PRESENT**

AS PER ATTACHED ATTENDANCE REGISTER.

#### **OFFICIALS**

Messrs.	S W KEKANA	-	MUNICIPAL MANAGER
	L J SEBOLA	-	MANAGER: COMMUNITY SERVICES
	K J MPHAGO	-	CHIEF FINANCIAL OFFICER
	J N FOURIE	-	MANAGER: ELECTRICAL SERVICES
	F L BUITENDAG	-	ACTING MANAGER: TRAFFIC & EMERGENCY SERVICES
	M P MASHOTJA	-	ACTING MANAGER: DEVELOPMENTAL SERVICES
	L PIETERSE	-	ACTING MANAGER: TECHNICAL SERVICES
Mesdames.	I A DE VILLIERS	-	ACTING MANAGER: CORPORATE SUPPORT SERVICES
	R MADIBELA	-	COUNCIL SECRETARIAT OFFICER

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The municipal manager indicated that the speaker is not available and councillor P G Pila was elected as the acting speaker in terms of section 41 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998).

#### **1. OPENING**

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The acting speaker welcomed all present.

#### **2. APPLICATION OF MEMBERS FOR LEAVE OF ABSENCE**

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Applications for leave of absence were received from councillors M I Mogotlane, R M Mabusela, F M Mabuela, N V Mashamaite, S R Masipa, R N Monene, M M Miloana, K Q Dekker, M E Manganyi, R E Mothibi and K D Setlatjile.

#### **RESOLVED:**

THAT leave of absence from the 28<sup>th</sup> council meeting of the Mogalakwena Municipality held on 27 November 2012 be granted to councillors M I Mogotlane, R M Mabusela, F M Mabuela, N V Mashamaite, S R Masipa, R N Monene, M M Miloana, K Q Dekker, M E Manganyi, R E Mothibi and K D Setlatjile.

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**3. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY THE SPEAKER**

The acting speaker congratulated councillors who celebrated their birthdays during September, October and November 2012.

**4. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY OTHER MEMBERS**

Councillor L D Langa congratulated Mr N Seabi for being appointed as Chief Executive of Limpopo Tourism Agency.

Councillor M D Phokela congratulated the Democratic Alliance for a successful conference.

Councillor C F B Smit congratulated and welcomed an ex-premier of Eastern Cape, Nosimo Balindlela, to the Democratic Alliance.

Councillor S C G Senosha congratulated the newly elected mayor of Tlokwe municipality, Annette Combrinck.

**5. MINUTES OF THE PREVIOUS MEETINGS**

**RESOLVED:**

THAT the minutes of the special council meeting held on 29 June 2012 (pages 135 to 136), the minutes of the 27<sup>th</sup> council meeting held on 6 November 2012 (pages 162 to 177) and the minutes of the special council meeting held on 15 November 2012 (pages 205 to 206), be approved and signed.

**6. REPORT OF THE MUNICIPAL MANAGER**

None.

**7. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Councillor C F B Smit indicated that Annexure C is a motion in terms of the Standing Orders and Rules and must be considered under point 8.

**RESOLVED:**

THAT the questions attached as Annexures A and B to the agenda submitted by councillor C F B Smit be referred to the finance portfolio committee for investigation and report back to council in February 2013.

**8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETINGS**

**RESOLVED:**

THAT the motion submitted by councillor C F B Smit attached as Annexure C to the agenda be referred to the finance portfolio committee for investigation and report back to council in February 2013.

**9. THE REPORT OF THE EXECUTIVE COMMITTEE FOR SEPTEMBER, OCTOBER AND NOVEMBER 2012**

**SECTION A**

The mayor submitted the report of the executive committee (pages 4 to 20) and requested that it be considered.

**A : REPORT OF THE EXECUTIVE COMMITTEE FOR SEPTEMBER, OCTOBER AND NOVEMBER 2012 WITH REGARD TO MATTERS WHICH THE COUNCIL MUST CONSIDER**

**1. SALARY AND WAGE INCREASE: 2012/2013 FINANCIAL YEAR (5/2/1)MN  
(ITEM 5 AGENDA EC 18 SEPTEMBER 2012)**

**RESOLVED:**

THAT

- a) circular 26/2012 from the South African Local Government Association (SALGA) regarding salary and wage increment, be noted.
- b) it be noted that the salary scales attached as pages 45 to 47 to the agenda of the executive committee dated 18 September 2012 were implemented from 1 July 2012.
- c) the Municipal Manager and all employees appointed as managers directly accountable to Municipal Manager in terms of section 57 of the Municipal Systems Act 32 of 2000, as amended be excluded from all terms of this Collective Agreement.

**2. MFMA SECTION 71 REPORT (SCHEDULE C) FOR JULY 2012 (1/3/2)BLM  
(ITEM 9 AGENDA EC 18 SEPTEMBER 2012)**

**RESOLVED:**

THAT the section 71 report for July 2012 be noted.

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**3.     AWARD FOR TENDERS FOR FOURTH QUARTER 2011/12: FROM APRIL 2012 TO  
JUNE 2012 (9/3/1)MP  
\_\_\_\_\_**  
**(ITEM 10 AGENDA EC 18 SEPTEMBER 2012)**

**RESOLVED:**

THAT

- a)     the tenders awarded from April 2012 to June 2012, be noted.
- b)     the accounting officer monitors that proper processes are followed in the awarding of tenders.
- c)     tenders be monitored properly so that it could be completed in the stipulated times.

**4.     DEVIATION OF ORDERS FROM DATABASE IQUAL SYSTEM APRIL 2012 TO  
JUNE 2012 (9/3/B)MP  
\_\_\_\_\_**  
**(ITEM 11 AGENDA EC 18 SEPTEMBER 2012)**

**RESOLVED:**

THAT

- a)     the orders deviated from database processes during April 2012 to June 2012, be noted.
- b)     National Treasury be notified in writing of the deviations.
- c)     all memos for deviations approved by the municipal manager be submitted to council in the next meeting.
- d)     poor planning by departments should not be an acceptable reason for deviation.

**5.     ACCIDENT REPORT CKK 120 L : TRAFFIC & EMERGENCY SERVICES  
\_\_\_\_\_ (8/2/1/1)AS**  
**(ITEM 14 AGENDA EC 18 SEPTEMBER 2012)**

**RESOLVED:**

THAT

- a)     the accident report for motor vehicle with registration number CKK 120 L be noted.
- b)     it be noted that no insurance claim was submitted to council's insurance company as the damage on the vehicle is less than the excess amount of the insurance.

- c) the amount of the repairs be claimed from the driver, Mr L D Ramotshela.
- d) a progress report with regard to the execution of c) *supra* be submitted to the relevant portfolio.

**6. ACCIDENT REPORT NO. 2 CKK 120 L : TRAFFIC & EMERGENCY SERVICES**  
**(8/2/1/1)AS**  
**(ITEM 15 AGENDA EC 18 SEPTEMBER 2012)**

**RESOLVED:**

THAT

- a) the vehicle accident which involves council vehicle bearing registration number CKK 120 L, be noted.
- b) it be noted that insurance claim be submitted to council's insurance company.
- c) it also be noted that an investigation committee was appointed to determine whether any negligence can be proven against Mr. M P Nkhona.
- d) a progress report with regard to the execution of c) *supra* be submitted to the relevant portfolio.

**7. ACCIDENT AT TESTING GROUND BY DRIVING SCHOOL OWNER** **(8/2/1/1)MB**  
**(ITEM 16 AGENDA EC 18 SEPTEMBER 2012)**

**RESOLVED:**

THAT

- a) the accident at the testing centre on 25 July 2012 by a driving school owner Mr. William Masuku, be noted.
- b) it be noted that no insurance claim was submitted to the council's insurance company as Mr Masuku undertook to repair the damage.
- c) a progress report with regard to the execution of b) *supra* be submitted to the relevant portfolio.

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**8. TOWN PLANNING: OBJECTION: BAFA FUNERALS ERF 283/R – 47 DE KLERK STREET – MOKOPANE (17/3/6)SPN  
(ITEM 19 AGENDA EC 18 SEPTEMBER 2012)**

**RESOLVED:**

THAT

- a) the objection received against the rezoning of erf R/283 Piet Potgietersrust be considered in terms of section 69(10) (a) (b) of the Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986).
- b) the date, time and venue be arranged and the applicant together with the objector be notified.
- c) a presentation be given to councillors before the hearing.

**9. TURN-AROUND STRATEGY TO COMPLETE THE 2011/2012 FINANCIAL YEAR MIG CAPITAL PROJECTS INCLUDING ACTION PLAN FOR 2012/2013 FINANCIAL YEAR MIG PROJECTS (6/1/1/38/)KDM  
(ITEM 20 AGENDA EC 18 SEPTEMBER 2012)**

**RESOLVED:**

THAT

- a) systems and measures that were put in place by technical services in order to mitigate the potential and possible unfortunate repetition of non-capital projects implementation and non-spending, be noted.
- b) the implementation plan for the 2012/2013 financial year with clear defined guidelines and scheduled milestones on procurement processes with time lines, be noted.

**10. MAHWELERENG SPORTS NODE LANDSCAPING CONTRIBUTION BY NORTHERNS CRICKET UNION (19/7/3/1 & G11/1)GM  
(ITEM 21 AGENDA EC 18 SEPTEMBER 2012)**

**RESOLVED:**

THAT

- a) the contribution in the amount of R622 000,00 by the Northerns Cricket Union towards the development of the game of cricket in the community of Mahwelereng be noted.
- b) the Memorandum of Understanding attached as pages 354 to 356 to the executive committee agenda dated 18 September 2012 be approved and the municipal manager be authorized to sign on behalf of the municipality.

- c) a lease agreement that complies with the Memorandum of Understanding be submitted for approval.
- d) a presentation be conducted to the executive committee.

**11. SUBMISSION OF THE 2012/2013 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN AND PERFORMANCE AGREEMENTS (5/14)LM**  
**(ITEM 6 AGENDA EC 16 OCTOBER 2012)**

**RESOLVED:**

THAT

- a) the 2012/2013 Service Delivery and Budget Implementation Plan attached as pages 41 to 176 to the executive committee agenda dated 16 October 2012 as approved by the Mayor on 25 June 2012, be noted.
- b) the Performance Agreements of the Municipal Manager and appointed Managers that are directly accountable to the Municipal Manager, be noted.

**12. OUTCOME OF DISCIPLINARY HEARING: MR. P HLONGWE (5/11/1)NM**  
**(ITEM 8 AGENDA EC 16 OCTOBER 2012)**

**RESOLVED:**

THAT

- a) it be noted that Mr. P Hlongwe pleaded guilty on the charge of negligent driving and he was found guilty and a sanction of a written warning was imposed.
- b) progress reports on litigations and disciplinary matters be submitted on a monthly basis.

**13. OUTCOME OF DISCIPLINARY HEARING: MR. R LEDWABA (5/11/1)NM**  
**(ITEM 9 AGENDA EC 16 OCTOBER 2012)**

**RESOLVED:**

THAT it be noted that Mr. R Ledwaba pleaded not guilty on the charge of negligence in respect of the brush cutter that got lost and he was found guilty and a sanction of suspension without pay for a period of (5) five days and a final written warning were imposed.

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**14. LEGAL COMPLIANCE POLICY (15/B)I**  
**(ITEM 10 AGENDA EC 16 OCTOBER 2012)**

**RESOLVED:**

THAT the Legal Compliance Policy attached as pages 209 to 211 to the executive committee agenda dated 16 October 2012, be approved.

**15. ALLOCATION OF ERVEN TO FORMER BARGAIN RESIDENTS (17/1/5/1)RCN**  
**(ITEM 11 AGENDA EC 16 OCTOBER 2012)**

**RESOLVED:**

THAT a valuer urgently be appointed in terms of section 14 (b) of the Local Government : Municipal Finance Management Act, 2003 ( Act 56 of 2003) to determine the fair market value of the 44 erven in Mahwelereng Zone B and a further report be submitted thereafter.

**16. FINANCIAL INDICATORS: 31 JULY 2012 (11/3/2)KJM**  
**(ITEM 13 AGENDA EC 16 OCTOBER 2012)**

**RESOLVED:**

THAT

- a) the content of the monthly finance report for July 2012 be noted.
- b) flyers be sent out to inform residents that they must pay their accounts and indigents must only use the free basic services.
- c) a list of affected consumers be provided to ward councillors to enable them to do a door to door visit before any attachment of property is made in respect of indigents and legal processes continue in respect of consumers who are employed.

**17. MFMA SECTION 71 REPORT (SCHEDULE C) FOR AUGUST 2012 (1/3/2)BLM**  
**(ITEM 14 AGENDA EC 16 OCTOBER 2012)**

**RESOLVED:**

THAT the section 71 report for August 2012 be noted.



18. **EXPENDITURE ON STAFF AND COUNCILLORS BENEFITS FOR FOURTH QUARTER OF 2011/2012 FINANCIAL YEAR** **(11/3/2)NE**  
**(ITEM 15 AGENDA EC 16 OCTOBER 2012)**

**RESOLVED:**

THAT the expenditure on staff and councillors benefits in terms of section 66 of MFMA 2003, (Act 56 of 2003) for April 2012 to June 2012, be noted.

19. **SERVICE LEVEL AGREEMENT WITH SECURITY COMPANIES** **(18/B)LB**  
**(ITEM 16 AGENDA EC 16 OCTOBER 2012)**

**RESOLVED:**

THAT council resolution dated 25 August 2010 (item 32) in which a service level agreement for security services was approved be revoked as the service level agreement was not comprehensive in respect of the services required.

20. **FINANCIAL INDICATORS: 31 AUGUST 2012** **(11/3/2)KJM**  
**(ITEM 6 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT the content of the monthly finance report for August 2012 be noted.

21. **FINANCIAL INDICATORS: 30 SEPTEMBER 2012** **(11/3/2)KJM**  
**(ITEM 7 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT

- a) the content of the monthly finance report for September 2012, be noted with concern.
- b) in terms of the previous council resolution, the outstanding amounts be deducted from salaries of officials and councillors in monthly instalments.
- c) a report addressing the following questions be submitted in the next ordinary executive committee meeting:
  - i) why were accounts allowed to accumulate to such high amounts?
  - ii) who is responsible?
  - iii) how is the municipality going to recover the monies?
- d) in future figures be verified before being submitted to the executive committee.

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- e) all outstanding amounts by government departments be collected and council be updated regularly.
- f) a progress report with regard to collection of debt from councillors and officials who are in arrears be submitted monthly.

**22. EXPENDITURE ON STAFF BENEFITS FOR FIRST QUARTER OF 2012/2013  
FINANCIAL YEAR (11/3/2)NE  
(ITEM 8 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT the expenditure on staff benefits in terms of section 66 of MFMA Act, no 56 of 2003 for July 2012 to September 2012, be noted.

**23. WRITING OFF : UNRECOVERABLE DEBT (6/10/1)I  
(ITEM 9 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT

- a) it be noted that the finance portfolio committee investigated the report regarding the writing off of the debt and recommended that it be written off.
- b) the following unrecoverable arrear debts be written off against the Bad Debt Reserve together with any interest that may have accumulated on these accounts since the compilation of this report:

Name	Account number	Amount
M P A Coetzee	1086373	R 5 310,22
Busaf (Pty) Ltd	2443396	R20 460,90
M L Pauer	1079924	R31 245,33
Piet Schutte Vervoer	1077532	R12 859,04
L S Goosen	2359019	R 7 294,15
M J Kekana	1085949	R 1 005,21
C F M Semet	2277286	R12 383,60
I S Terblance	2310574	R16 474,85
<b>Total</b>		<b>R107 033,30</b>

together with any interest that may have accumulated on these accounts since the compilation of this report.

- c) an investigation be done with regard to the writing off of unrecoverable debts of D W Scannell (account number 1217278) and Fishoff 1430 CC trading as Netstar Mokopane (account number 2476679) and a further report be submitted with an explanation who is responsible.

**24. SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT (8/3)WJ**  
**(ITEM 10 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT the supply chain management implementation report provided for in section 6(2)(i) of the Supply Chain Management Regulations, be noted.

**25. CLOSING OF MUNICIPAL OFFICES ON 24, 27, 28, 31 DECEMBER 2012 (5/10/1;5/10/4)MN**  
**(ITEM 11 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT

- a) the closing of the municipal offices on 24, 27, 28 and 31 December 2012 be approved.
- b) emergency and essential services be rendered during the mentioned days and that such personnel be given time off at a later stage.
- c) notices be placed in the local newspapers and on the notice boards to notify the public of the closure of the municipal offices.
- d) the library be closed on the dates in a) *supra*.

**26. SLEEPING OUT ALLOWANCE (5/2/B)RNM**  
**(ITEM 13 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT council resolution dated 16 November 2005 (Item 31) be revoked and the sleeping out allowance rate be implemented as per the approved day money (which is currently R149,49) with effect from the approval of the adjustment budget.

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**27. DELEGATION SYSTEM (2/1/3)I**  
**(ITEM 14 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT in terms of section 59 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) the Delegations Policy and System to Devolve certain Powers and Functions to Political Structures, Office Bearers and the Municipal Manager attached as pages 114 to 157 to the executive committee meeting dated 13 November 2012 be approved and be implemented with immediate effect.

**28. CASE AGAINST THE MUNICIPALITY : M H THOBEJANE (5/11/1/1)I**  
**(ITEM 15 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT

- a) the award in the CCMA arbitration under case number LP2740-12 instituted by Mr M H Thobejane be noted.
- b) it also be noted that Mr M H Thobejane has applied to the Labour Court under case number JS946/12 to set aside the award of the commissioner in the CCMA matter.
- c) the application be opposed and all the actions that have been taken so far to oppose the matter, be condoned and the municipal manager be authorised to sign all affidavits, pleadings and any other court documents that are required in this matter.

**29. OUTCOME OF DISCIPLINARY HEARING: MR L L MOKGATA (5/11/1)NM**  
**(ITEM 16 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT

- a) it be noted that Mr. L L Mokgata pleaded guilty on a charge of negligent driving and a sanction of suspension without pay for five days was imposed.
- b) a policy be developed in terms of dealing with disciplinary hearings in line with dealing with municipal assets.

**30. MOTLHOTLO VILLAGE (GA-PUKA & GA-SEKHAOLELO) MUNICIPAL SERVICES  
TAKE – OVER (18/1)KDM  
(ITEM 17 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT

- a) the progress made on the construction of the 1 200 VIP lined pit latrine to replace the dysfunctional Enviro-Loo since the taking over of municipal services as per council resolution, be noted.
- b) council has a clear picture and the negative impact brought about by the number of unplanned settlements (437 Mkhukhus) which stresses the already limited resources and services in the area.
- c) the perception towards Anglo Platinum (Pty) Ltd by both communities regarding the entire relocation projects which according to the communities has brought poverty, lack of moral fibre, lack of social cohesion and unemployment, be noted.
- d) a briefing session with all the mines be arranged.

**31. TOWN PLANNING: TOWNSHIP ESTABLISHMENT ON PORTION 3 OF THE FARM  
ARMOEDE 823 LR – GA-SEKHAOLELO EXTENSION 2 (17/1/5/8)SPN  
(ITEM 19 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT

- a) the application made in terms of section 96 (1) read together with section 66 (1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) for the establishment of the township to be known as Ga-Sekhaolelo Extension 2 comprising of 212 erven be approved subject to the following conditions:
  - i) that the development controls be submitted to the local authority by way of amendment and the extension of the boundary of the Town Planning Scheme in operation or its successor in title, as the proposed development will have an impact on the current scheme;
  - ii) that the development controls be known as Greater Potgietersrus Town Planning Scheme, 1997 Amendment Scheme number 00 (Annexure 00) be submitted for approval by the local municipality before the promulgation of the land development area as an approved township development;
  - iii) that Services of the township development should where needs be, be provided by the municipality;

- iv) that all municipal services which are needed, and which have to be altered or to be moved as a result of the proposed development should be for the account of the municipality;
- v) that the installation of all services shall adhere to all applicable standards and specifications of the Mogalakwena municipality at all the times;
- vi) that the township development shall be comprised of the zonings/ and land uses as per the attached layout plan to be amended;
- vii) that all erven zoned "Residential 1" shall have a density of one (1) dwelling unit per erf and shall have a maximum coverage not exceeding 50% unless stipulated in the relevant Annexure and Schedules of the Town Planning Scheme;
- viii) that all erven for purposes of "Public Open Space" shall have a zoning of "Public Open Space", shall be subjected to all development controls as stipulated in the Town Planning Scheme in operation or its successor in title;
- ix) that all erven for purposes of "Crèche" shall have a zoning of "Institution", shall be subjected to all development controls as stipulated in the Town Planning Scheme in operation or its successor in title;
- x) that all erven for purposes of "Special" shall have a zoning of "Special", shall be subjected to all development controls as stipulated in the Town Planning Scheme in operation or its successor in title;
- xi) that no building shall be erected so as to cover a greater proportion of its erf or site than is permitted in terms of the Town Planning Scheme, and that outbuildings and second dwellings shall be included in the calculation of coverage;
- xii) that no building shall be erected so as to exceed the floor area ratio as prescribed in the Town Planning Scheme;
- xiii) that a detailed site development plan as per the provisions of the Greater Potgietersrus Town Planning Scheme, 1997 shall be prepared for all erven on which buildings are to be erected in Use Zones "Institution" and "Business";
- xiv) that a site development plan drawn to scale shall be submitted to the local authority prior to submission of any building plans and no building shall be erected on the erf before approval of such site development plan by the local authority and the entire development on the erf shall be in accordance with the approved site development plan; provided that the plan may from time to time be amended with the written consent of the local authority; provided further that alterations or additions to buildings, which in the opinion of the local authority, will have no influence on the overall development of the erf, may be exempted from written consent procedures;

- xv) that access to and from the land development area shall be made subject to the conditions imposed by the approving authority;
  - xvi) that disposal of stormwater from the land development area shall be in accordance to all the applicable standards and to the satisfaction of the local authority;
  - xvii) that all necessary documentation (i.e. Approved General Plan, Consolidation plan, and Settlement plan, conditions of establishment) must be submitted to the Local Authority within 30 days of the approval by the local municipality;
  - xviii) that the applicant shall satisfy the local authority that the necessary documentation, scheme clauses, map 3's, annexure regarding the relevant Amendment Scheme as contemplated in terms of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) are in order and be published simultaneously with the notice of declaration of the area as an approved township development;
  - xix) that proclamation and opening of the land development area register be to the account of the applicant, and copies of all notification in the Provincial Gazette be provided to the local authority within seven (7) days of publication.
- b) a briefing session regarding Township Establishment on portion 3 of the farm Armoede 823 LR – Ga-Sekhaolelo Extension 2 be arranged.

**32. TOWN PLANNING: TOWNSHIP ESTABLISHMENT ON PORTION 3 OF THE FARM ARMOEDE 823 LR – GA-SEKHAOLELO EXTENSION 3 (17/1/5/8)SPN (ITEM 20 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT

- a) the application made in terms of section 96 (1) read together with section 66 (1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) for the establishment of the township to be known as Ga-Sekhaolelo Extension 2 comprising of ±200 erven be approved subject to the following conditions:
  - i) that the development controls be submitted to the local authority by way of amendment and the extension of the boundary of the Town Planning Scheme in operation or its successor in title, as the proposed development will have an impact on the current scheme;
  - ii) that the development controls be known as Greater Potgietersrus Town Planning Scheme, 1997 Amendment Scheme number 00 (Annexure 00) be submitted for approval by the local municipality before the promulgation of the land development area as an approved township development;

- iii) that services of the township development should where needs be, be provided by the municipality;
- iv) that all municipal services which are needed, and which have to be altered or to be moved as a result of the proposed development should be for the account of the municipality;
- v) that the installation of all services shall adhere to all applicable standards and specifications of the Mogalakwena municipality at all the times;
- vi) that the township development shall be comprised of the zonings/ and land uses as per the attached layout plan to be amended;
- vii) that all erven zoned "Residential 1" shall have a density of one (1) dwelling unit per erf and shall have a maximum coverage not exceeding 50% unless stipulated in the relevant Annexure and Schedules of the Town Planning Scheme;
- viii) that all erven for purposes of "Public Open Space" shall have a zoning of "Public Open Space", shall be subjected to all development controls as stipulated in the Town Planning Scheme in operation or its successor in title;
- ix) that all erven for purposes of "Crèche" shall have a zoning of "Institution", shall be subjected to all development controls as stipulated in the Town Planning Scheme in operation or its successor in title;
- x) that all erven for purposes of business shall have a zoning of "Business 1", and shall have a maximum coverage not exceeding 90% and shall be subjected to all development controls as stipulated in the Town Planning Scheme in operation or its successor in title;
- xi) that all erven for purposes of municipal shall have a zoning of "municipal", and shall be subjected to all development controls as stipulated in the Town Planning Scheme in operation or its successor in title;
- xii) that no building shall be erected so as to cover a greater proportion of its erf or site than is permitted in terms of the Town Planning Scheme, and that outbuildings and second dwellings shall be included in the calculation of coverage;
- xiii) that no building shall be erected so as to exceed the floor area ratio as prescribed in the Town Planning Scheme;
- xiv) that a detailed site development plan as per the provisions of the Greater Potgietersrus Town Planning Scheme, 1997 shall be prepared for all erven on which buildings are to be erected in Use Zones "Institution" and "Business";



- xv) that a site development plan drawn to scale shall be submitted to the local authority prior to submission of any building plans and no building shall be erected on the erf before approval of such site development plan by the local authority and the entire development on the erf shall be in accordance with the approved site development plan; provided that the plan may from time to time be amended with the written consent of the local authority; provided further that alterations or additions to buildings, which in the opinion of the local authority, will have no influence on the overall development of the erf, may be exempted from written consent procedures;
  - xvi) that access to and from the land development area shall be made subject to the conditions imposed by the approving authority;
  - xvii) that disposal of stormwater from the land development area shall be in accordance to all the applicable standards and to the satisfaction of the local authority;
  - xviii) that all necessary documentation (i.e. Approved General Plan, Consolidation plan, and Settlement plan, conditions of establishment) must be submitted to the Local Authority within 30 days of the approval by the local municipality;
  - xix) that the applicant shall satisfy the local authority that the necessary documentation, scheme clauses, map 3's, annexure regarding the relevant Amendment Scheme as contemplated in terms of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) are in order and be published simultaneously with the notice of declaration of the area as an approved township development;
  - xx) that proclamation and opening of the land development area register be to the account of the applicant, and copies of all notification in the Provincial Gazette be provided to the local authority within seven (7) days of publication.
- b) a briefing session regarding Township establishment on portion 3 of the farm Armoede 823 LR – Ga-Sekhaolelo Extension 3 be arranged.

**33. NAMING OF PARK: MAHWELERENG (19/6/B & G11)LJS**  
**(ITEM 21 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT

- a) the newly developed park in Mahwelereng be named and a public participation process be followed.
- b) a report regarding the restructuring of council committees including the naming committee be submitted to the next council meeting.

228.  
27.11.12

**34. DEBT COLLECTION ENHANCEMENT (1/3/55)KJM**  
**(ITEM 22 AGENDA EC 13 NOVEMBER 2012)**

**RESOLVED:**

THAT

- a) interest portion be written off or put in abeyance if consumer settles the account or make an arrangement.
- b) interest portion be written back in case an arrangement is broken for two consecutive months.
- c) indigent debts as indicated on pages 495 to 571 be written off after further verification of status.
- d) writing back the debt if property is sold within 10 years by indigent.
- e) awareness campaigns through notices and ward committee meetings be run to 31 January 2013 to inform communities of the need to pay outstanding debts while the process to appoint debt collectors is underway.
- f) the service level agreement attached as pages 572 to 585 to the executive committee agenda dated 13 November 2012 be approved.
- g) clear readable lists with names and addresses of indigents, be submitted.
- h) councillors and officials in arrears also be included in the report.

**35. REPLACEMENT OF COUNCILLORS TO SERVE ON INTERNAL COMMITTEES OF COUNCIL AND ON THE LOCAL LABOUR FORUM (4/B)(5/13)RM**  
**(ITEM 3 AGENDA SPECIAL EC 27 NOVEMBER 2012)**

**RESOLVED:**

THAT the report regarding replacement of councillors to serve on internal committees of council and on the Local Labour Forum be referred back and be dealt with in the next council meeting.

**36. REPORT ON MFMA SECTION 32 EXPENDITURE : 2009/2010 FINANCIAL YEAR  
(ITEM 4 AGENDA SPECIAL EC 27 NOVEMBER 2012)**

All DA councillors requested that their names be recorded against the resolution.

**RESOLVED:**

THAT

- a) it be noted that council resolution 3 of 29 June 2012 is not comprehensive in that there is no evidence of a report from MPAC and it therefore be revoked.
- b) the report submitted by MPAC attached as pages 18 to 22 to the special executive committee agenda dated 27 November 2012 be noted.
- c) it also be noted that the unauthorized expenditure of R12 030 473 as per definition thereof is not unauthorized as per agreement with the Auditor General, but should still be certified by council since it is in management report of Auditor General.
- d) it be noted that the irregular expenditure of R29 010 198 was a result of unauthorized deviation from the Supply Chain Management Policy and is certified as unrecoverable and be written off.
- e) procedures and controls be put in place within three months to ensure that all departments follow the Supply Chain Management Policy to avoid irregular expenditure in future and to adhere to the MFMA.
- f) based on council committee report (MPAC), irregular expenditure will eventually be submitted to National Treasury for condonation as per section 170 of the MFMA as advised by Auditor General.
- g) disciplinary measures be instituted against officials responsible for not submitting deviations to the Municipal Manager and the municipal manager explain what he did after officials continuously failed to submit deviation requests.
- h) future unauthorised, irregular expenditures be dealt with in terms of section 32 of the MFMA within a reasonable period of time.
- i) deviation from the Supply Chain Management Policy be avoided and if unavoidable, it be dealt with as soon as possible and good explanations be given.

230.  
27.11.12

**37. REPORT ON MFMA SECTION 32 EXPENDITURE : 2010/2011 FINANCIAL YEAR**  
**(6/14/3)**  
**(ITEM 5 AGENDA SPECIAL EC 27 NOVEMBER 2012)**

All DA councillors requested that their names be recorded against the resolution.

**RESOLVED:**

THAT

- a) it be noted that council resolution 4 of 29 June 2012 is not comprehensive in that there is no evidence of a report from MPAC and it therefore be revoked.
- b) the report submitted by MPAC attached as pages 34 to 38 to the special executive committee agenda dated 27 November 2012 be noted.
- c) it also be noted that the irregular expenditure of R33 635 524 was a result of unauthorized deviation from the Supply Chain Management Policy and no approved overtime policy and the expenditure be certified as irrecoverable and be written off. Included in R33 635 524 is the amount of R15 141 361,54 for overtime.
- d) unauthorized expenditure of R3 217 049 be treated the same as 2009/10 unauthorized expenditure of R12 030 473.
- e) the fruitless and wasteful expenditure of R1 762 985 in legal costs in respect of the former manager: corporate services be recovered.
- f) procedures and controls be put in place within three months to ensure that all departments follow the Supply Chain Management Policy to avoid irregular expenditure in future and to adhere to the MFMA.
- g) it also be noted that an overtime policy has been approved by council on 25 June 2012 to also avoid future irregular expenditure in this respect.
- h) based on council committee report (MPAC), irregular expenditure will eventually be submitted to National Treasury for condonation as per section 170 of the MFMA as advised by Auditor General.
- i) disciplinary measures be instituted against officials responsible for not submitting deviations to the Municipal Manager and the municipal manager explain what he did after officials continuously failed to submit deviation requests.
- j) future unauthorised, irregular expenditures be dealt with in terms of section 32 of the MFMA within a reasonable period of time.
- k) deviation from the Supply Chain Management Policy be avoided and if unavoidable, it be dealt with as soon as possible and good explanations be given.

**38. ESTABLISHMENT OF THE REMUNERATION COMMITTEE (14/4/1/5)HSM  
(ITEM 6 AGENDA SPECIAL EC 27 NOVEMBER 2012)**

**RESOLVED:**

THAT

- a) the mayor, the chairperson of portfolio committee on finance, the chairperson of the portfolio committee on corporate support services, the chairperson of the portfolio committee on community services and the municipal manager be formally appointed to be members of the remuneration committee.
- b) the chairperson of portfolio committee on finance be appointed chairperson of the remuneration committee.
- c) the mayor to provide a remuneration expert from COGHSTA or SALGA.
- d) the term of the office of the remuneration committee be the term of the council.
- e) the frequency of meetings be determined by the number of issues that need to be dealt with and the following powers be delegated to the committee to look at:
  - i) salary increases for level 0 and 1.
  - ii) incentive or bonus payments.
  - iii) voluntary severance packages.
  - iv) the individual members of the committee will have full access on request to all financial information of the municipality, including all of personnel records relating to any employee in respect of whom the committee will be making its remuneration recommendations.
  - v) it will meet as and when it is required.
- f) the chief internal auditor act as the secretariat of the remuneration committee.

**SECTION B**

**B: REPORT OF THE EXECUTIVE COMMITTEE FOR WITH REGARD TO MATTERS WHICH HAVE BEEN DELEGATED TO THE EXECUTIVE COMMITTEE FOR THE INFORMATION OF THE COUNCIL**

The mayor submitted the report of the executive committee (pages 21 to 24) and requested that it be noted.

**RESOLVED:**

THAT the content of the reports of September, October and November 2012 of the executive committee with regard to matters which have been finalised in terms of its delegated powers, be noted.

232.  
27.11.12

**10. PETITIONS**

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None.

**11. NEW MOTIONS**

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None.

The meeting closed at 16:55.

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**SPEAKER**

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**DATE**