

## MOGALAKWENA LOCAL MUNICIPALITY

### COUNCIL

#### **MINUTES OF THE ADJOURNED 23<sup>RD</sup> COUNCIL MEETING OF THE MOGALAKWENA MUNICIPALITY HELD IN THE COUNCIL CHAMBER, CIVIC CENTRE, MOKOPANE ON FRIDAY, 16 SEPTEMBER 2011 AT 10:00**

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#### **PRESENT**

AS PER ATTACHED ATTENDANCE REGISTER.

#### **OFFICIALS**

Messrs.	S W KEKANA	-	MUNICIPAL MANAGER
	M H THOBEJANE	-	MANAGER: CORPORATE SUPPORT SERVICES
	K J MPHAGO	-	CHIEF FINANCIAL OFFICER
	L J SEBOLA	-	MANAGER: COMMUNITY SERVICES
	S T MOGASHOA	-	MANAGER: TECHNICAL SERVICES
	J N FOURIE	-	MANAGER: ELECTRICAL SERVICES
	F L BUITENDAG	-	ACTING MANAGER: TRAFFIC & EMERGENCY SERVICES
Mesdames.	D E MAILULA	-	MANAGER: DEVELOPMENTAL SERVICES
	R MADIBELA	-	COUNCIL SECRETARIAT OFFICER

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The municipal manager indicated that the speaker was not available and councillor M W Mabuela was elected as the acting speaker in terms of Rule 23(2) and (3) of the Standing Rules and Orders of the Municipality.

#### **1. OPENING**

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The acting speaker welcomed all present and declared the meeting opened.

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

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Applications for leave of absence were received from councillors R E Ramashala, R M Mabusela, R N Monene, L S Molomo, M D Phokela and L E Manamela.

#### **RESOLVED:**

THAT leave of absence from the adjourned 23<sup>rd</sup> council meeting of the Mogalakwena Municipality held on 16 September 2011 be granted to councillors R E Ramashala, R M Mabusela, R N Monene, L S Molomo, M D Phokela and L E Manamela.

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

The acting speaker congratulated councillors who celebrated their birthdays during June, July and August 2011.

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

Councillor N S Montane congratulated the Springbok (Amabokbok) Rugby Club for the win of their first game.

Councillor L D Langa congratulated councillors M J Chauke and K E Mashaba to have joined this council.

Councillor P G Pila congratulated the President of the South Africa for re-opening the armsdeal saga.

**5. MINUTES OF THE PREVIOUS MEETINGS**

**RESOLVED:**

THAT the minutes of the following meetings be approved and signed:

- a) the minutes of the 21<sup>st</sup> council meeting held on 23 February 2011 (pages 25 to 41), the minutes of the special council meeting held on 10 March 2011 (pages 48 to 53), the minutes of the special council meeting held on 16 March 2011 (pages 67 to 71), the minutes of the special council meeting held on 28 April 2011 (pages 83 to 95), the minutes of the 22<sup>nd</sup> council meeting held on 1 June 2011 (pages 96 to 106);
- b) the minutes of the special council meeting held on 22 June 2011 (pages 115 to 122) subject to the inclusion of the following on item 13: *"all DA councillors requested that their votes be recorded against the decision."*
- c) the minutes of the special council meeting held on 8 July 2011 (pages 126 to 128) subject to the inclusion of the following on item 3: *"councillor G E Morkel-Brink requested that his vote be recorded against the decision."*
- d) the minutes of the special council meeting held on 8 July 2011 (pages 126 to 128) subject to the inclusion of the following on item 3: *"all DA councillors requested that their votes be recorded against the decision."*

**RESOLVED:**

THAT progress report regarding the case on the loss of mayoral chain be submitted on a quarterly basis.

6. **REPORT OF THE MUNICIPAL MANAGER**

None.

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

None.

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

None.

9. **THE REPORT OF THE EXECUTIVE COMMITTEE FOR JULY AND AUGUST 2011**

**SECTION A**

The mayor submitted the report of the executive committee (pages 3 to 18) and requested that it be considered.

A : **REPORT OF THE EXECUTIVE COMMITTEE FOR JULY AND AUGUST 2011  
WITH REGARD TO MATTERS WHICH THE COUNCIL MUST CONSIDER**

1. **MONTHLY BUDGET STATEMENTS: APRIL 2011** (11/3/2)BLM  
(ITEM 5 AGENDA EC 19 JULY 2011)

**RESOLVED:**

THAT the monthly budget statements for April 2011 in terms of section 71 of the MFMA, 2003 (Act 56 of 2003), be noted.

2. **FUNERAL ESCORT : TARIFF** (19/3/11/1)I  
(ITEM 8 AGENDA EC 19 JULY 2011)

**RESOLVED:**

THAT

- a) the following tariff in terms of section 75A of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000), be approved with effect from 1 September 2011:
  - i) Rands per hour per official on an overtime basis – if service is required after normal working hours or if in working hours the normal salary rate will apply (3 traffic officers and 1 supervisor).

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- ii) Running cost per kilometer as per Department of Transport tariffs from and back to the station for all vehicles travelled.
- b) the escort service only be rendered after the amount has been paid in full.
- c) the escort service be rendered to municipal officials and councillors free of charge if the funeral is within Mogalakwena Municipal area.
- d) indigents also be considered.

**3. DEFINITION OF THE ROLE AND AREA OF RESPONSIBILITY OF EACH POLITICAL STRUCTURE, POLITICAL OFFICE BEARER AND THE MUNICIPAL MANAGER IN TERMS OF SECTION 53 OF THE MUNICIPAL SYSTEM (2/1/3)I (ITEM 9 AGENDA EC 19 JULY 2011)**

**RESOLVED:**

THAT in terms of section 53 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) the definition of the role and area of responsibility of each political structure, political office bearer and the municipal manager attached as pages 36 to 135 to the executive committee agenda dated 19 July 2011 be approved and be implemented with immediate effect with regard to powers delegated to the executive committee and with regard to powers delegated to council be referred to council for finalization.

**4. APPLICATION FOR MEDICAL DISABILITY : MADIMETJA K A (5/7/2& 02820202)MFM (ITEM 10 AGENDA EC 19 JULY 2011)**

**RESOLVED:**

THAT Council applies for the constitution of medical board in terms of section 34 (1) of the rules of the Municipal Employees Pension Fund, to determine the medical fitness of Ms. Madimetja K A.

**5. BACKUP SCHEDULE (23/08/10)BB (ITEM 14 AGENDA EC 19 JULY 2011)**

**RESOLVED:**

THAT the backup schedule attached as pages 187 to 189 to the executive committee agenda dated 19 July 2011, be approved.

6. **CASE AGAINST THE MUNICIPALITY : AON SOUTH AFRICA (PTY) LTD** **(9/3/1/20)I**  
**(ITEM 17 AGENDA EC 19 JULY 2011)**

**RESOLVED:**

THAT

- a) it be noted that AON South Africa (Pty) Ltd has instituted legal action against the municipality in the High Court under case number 49476/2010 for not been awarded the tender for the insurance portfolio.
- b) the actions that have been taken to oppose the matter, be condoned and a further report be submitted as soon as the matter was finalized.

7. **FINANCIAL INDICATORS: 31 JANUARY 2011** **(11/3/2)KJM**  
**(ITEM 5 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the content of the monthly finance report for January 2011, be noted.

8. **MONTHLY BUDGET STATEMENTS: JANUARY 2011** **(11/3/2)BLM**  
**(ITEM 6 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the monthly budget statements for January 2011 in terms of section 71 of the MFMA (Act 56 of 2003), be noted.

9. **QUARTERLY REPORT FOR OCTOBER TO DECEMBER 2010** **(11/3/2)NE**  
**(ITEM 7 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the quarterly reports in terms of section of 5 (7) (iii) of the Division of Revenue Act, 2003, for the month October 2010 to December 2010 be noted.

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**10. ALLOCATION OF RESIDENTIAL ERVEN TO THE COMMUNITY OF BLACK ROCK ON PORTIONS OF MAHWELERENG TOWNSHIP (UNIT A, B & C) (17/3/4)MPM**  
**(ITEM 9 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the progress report in relation to the progress made to allocate residential erven to Black Rock residence be noted.
- b) a final notice of one month be issued to the residents of Black Rock to come for the allocation of erven, failing which the remaining erven be sold to the Bargain residents.
- c) the municipality should convene a meeting with the residents of Black Rock to discuss the challenges the community is facing regarding this issue.
- d) a list of residents from Bargain be compiled to determine the level of need for allocation of residential erven.

**11. APPLICATION FOR MEDICAL DISABILITY : BODENSTEIN P C (5/6/6)MFM**  
**(ITEM 10 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT an application be submitted for the constitution of a medical board in terms of section 35 (1) of the Rules of the Municipal Gratuity Fund , and section 5.1(2) of the Rules of the National Fund for Municipal Workers to determine the medical fitness of Mr P C Bodenstein.

**12. INTERNAL AUDIT PLAN REPORT: NOVEMBER 2010 (6/12/1/3)BF**  
**(ITEM 11 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the extension of the audit committee members contracts for 1 year with effect from 1 March 2011 to 1 March 2012, be approved.
- b) it also be approved that the current audit committee members also serve in the performance audit committee.
- c) the adjustment of the two audit committee rates, be approved as follows:

Chairperson: R3 000,00 per sitting per committee  
Other members: R2 500,00 per sitting per committee.

- d) the chairperson of the audit committee should attend council meetings.

**13. COMPLAINTS, COMPLIMENTS AND SUGGESTIONS (18/1)I**  
**(ITEM 12 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the complaints attached as pages 51 to 52 to the executive committee agenda dated 16 August 2011 received for the period 26 June 2010 to 12 November 2010, be noted.
- b) the compliments attached as page 53 to the executive committee agenda dated 16 August 2011 received for the period 26 June 2010 to 12 November 2010, be noted.
- c) the suggestions attached as page 54 to the executive committee agenda dated 16 August 2011 received for the period 26 June 2010 to 12 November 2010, be noted.
- d) the speaker, other two councillors and three officials must be assigned to open the suggestion box and the keys of the suggestion box be kept by the speaker.

**14. MONTHLY BUDGET STATEMENTS: FEBRUARY 2011 (11/3/2)BLM**  
**(ITEM 13 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the monthly budget statements for February 2011 by section 71 of the MFMA (Act 56 of 2003), be noted.

**15. REPORT BACK : OCCUPANCY LEVY FOR MAHWELERENG (17/1/5/4)I**  
**(ITEM 16 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) it be noted that imposing an occupancy levy on owners who did not take transfer of their properties will not be viable and would only worsen the situation.
- b) the municipality embark on a revenue enhancement programme which must include the registration of indigents.

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**16. COMPLAINTS, COMPLIMENTS AND SUGGESTIONS (18/1)I**  
**(ITEM 17 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the complaints attached as page 129 to the executive committee agenda dated 16 August 2011 received for the period 13 November 2010 to 20 December 2010, be noted.
- b) the compliments attached as page 130 to the executive committee agenda dated 16 August 2011 received for the period 13 November 2010 to 20 December 2010, be noted.
- c) the suggestions attached as page 131 to the executive committee agenda dated 16 August 2011 received for the period 13 November 2010 to 20 December 2010, be noted.

**17. ACCIDENT REPORT: BGL 013 L: TRAFFIC & EMERGENCY SERVICES (8/2/1/1)LB**  
**(ITEM 18 AGENDA EC 16 AUGUST 2011)**

**RESOLVED :**

THAT

- a) the accident report for motor vehicle with registration number BGL 013 L, be noted.
- b) it also be noted that the damage is less than the access amount of the insurance and therefore no insurance claim will be submitted.

**18. REPORT BACK : OBJECTION AGAINST AMENDMENT SCHEME 86 : REZONING OF ERF R/448 MOKOPANE (17/2/6/6/86)I**  
**(ITEM 19 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) it be noted that the sanction in the disciplinary hearing of Mr Mathonsi was a written warning and the municipality had no basis to withhold his payment.



- b) it also be noted that by the time that the executive committee resolved that no benefits must be paid to Mr Mathonsi, all benefits have already been paid.
- c) the pension fund will not pay benefits out to a third party without a court order.
- d) it also be noted that if the municipality wants to recover the losses that it has suffered as a result of Mr Mathonsi's actions, the municipality must institute legal action against him.
- e) the item on the list of outstanding issues now be removed.
- f) Mogalakwena Local Municipality land audit be conducted and the mayor should consult with the Department of Local Government and Housing in this regard.

**19. PROPOSED PRIVATE TOWNSHIP ESTABLISHMENT ON PORTION 181 (A PORTION OF PORTION 80) OF THE FARM PIET POTGIETERSRUST TOWN & TOWNLANDS 44-KS: PROUDAFRIQUE ESTATES (17/2/6/1)I**  
**(ITEM 21 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT further to council resolution 6 dated 20 October 2010 the following be approved in addition to the approval of the township establishment on portion 181 Piet Potgietersrust Town and Townlands, 44KS which will be known as Piet Potgietersrust Extension 25 (Proudafrique):

- a) Contribution of goodwill:
  - i) the developer makes a contribution of goodwill to Mogalakwena Municipality in the amount of R15 million of which 50% is payable within 30 days of this council resolution and the remainder 50% be paid on or before 31 May 2012.
  - ii) it be noted that this contribution is not considered as a bulk services contribution and that it excludes inter alia the following payments that the developer/landowner must still make in respect of the development:
    - Electrical engineering contributions which are calculated in terms of the approved formula and which is payable as and when an erf is connected;
    - Actual costs to bring bulk electricity, water, sewer and storm water drainage to the boundary of Portion 181;
    - Normal connection fees for each connection in respect of all services; and

- Alteration or moving of services (if necessary) on portion 181 and portions 126, 182 and 183 if required.

b) Continued provision of grey water to the golf course:

- i) it also be noted that the municipality is not obliged to provide grey water for the irrigation of the golf course but is willing to provide a maximum of 2 MI per day at the following tariffs for the irrigation of the golf course:

R1,00 per kilolitre for 0 MI to 1 MI;  
R1,50 per kilolitre between 1,0001 to 2 MI; and  
These tariffs be reviewed on an annual basis.

- ii) if the land owner does not consent within 30 days from the date of the council resolution to the purchasing of the grey water, the supply of the grey water to Portion 181 be discontinued with immediate effect.

c) Diversion of Pretorius Street Extension:

- i) permission be granted to PPL to divert the extension of Pretorius Street as indicated on the map attached as page 181 to the executive committee agenda dated 16 August 2011 subject to the following conditions:

- PPL negotiates with the affected parties for the diversion of the road and obtains their written consent;
- The municipality follows the procedure for street closure as provided for in sections 65 and 66 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) and if any objection or claim is received, the permission to close the road falls away;
- All the necessary road authorizations be obtained by PPL at their costs;
- The diverted road be built and tarred at the cost of PPL within the boundaries of Portions 182, 183 and 126 to the satisfaction of Mogalakwena Municipality; and
- PPL pays the municipality compensation for the portion of Portion 126 that will be used for the diversion of the road and the municipality appoints a valuer to determine the amount payable at the cost of PPL.

**20. PROCEDURES IN RESPECT OF DONATIONS TO THE MUNICIPALITY**  
**(19/7/2/1)(7/3/3/75)I**  
**(ITEM 22 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) it be noted that all donations should officially be offered to the municipality and officially be accepted in order to ensure that the donations are taken up in the asset register and the correct values are reflected as prescribed by GRAP and to ensure that the municipality puts the necessary measures in place to safeguard it against possible risks.
- b) it also be noted that the necessary markings as prescribed by the Chicago Convention of which South Africa is a signatory, has been placed on the runway safeguarding the municipality against possible claims.
- c) the municipal insurer be informed that the municipality intends opening the municipal swimming pool on 1 September 2011 and that liability insurance must be provided for any claims that may arise from the use of the swimming pool.
- d) the values of both the donations for the aerodrome and the swimming pool be obtained and be taken up in the asset register.

**21. EXPENDITURE ON STAFF AND COUNCILLORS BENEFITS FOR THIRD**  
**QUARTER OF 2010/2011 FINANCIAL YEAR**  
**(5/2/B)&(6/1/9/2)NE**  
**(ITEM 25 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the expenditure on staff and councillors benefits in terms of section 66 of MFMA, Act 53 of 2003 for January 2011 to March 2011, be noted.

**22. FINANCIAL INDICATORS: 28 FEBRUARY 2011**  
**(11/3/2)KJM**  
**(ITEM 26 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the content of the monthly finance report for February 2011, be noted.

**23. FINANCIAL INDICATORS: 31 MARCH 2011**  
**(11/3/2)KJM**  
**(ITEM 27 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the content of the monthly finance report for March 2011 be noted.

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24. **MONTHLY BUDGET STATEMENTS: MARCH 2011** **(11/3/2)BLM**  
**(ITEM 28 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the monthly budget statements for March 2011 in terms of section 71 of the MFMA (Act 56 of 2003), be noted.

25. **TENDERS AWARDED FROM 1 JANUARY 2011 TO 31 MARCH 2011** **(9/3/1)MM**  
**(ITEM 29 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the tenders awarded from 1 January 2011 to 31 March 2011, be noted.

26. **DEVIATION OF ORDERS FROM DATABASE IQUAL SYSTEM JANUARY 2011 TO MARCH 2011** **(9/3/B)MM**  
**(ITEM 30 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the orders deviated from database processes during 1 January 2011 to 31 March 2011, be noted.
- b) the Auditor General and National Treasury be notified in writing of the deviation.

27. **MONTHLY BUDGET STATEMENTS: MAY 2011** **(11/3/2)BLM**  
**(ITEM 36 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the monthly budget statements for May 2011 in terms of section 71 of the MFMA, 2003 (Act 56 of 2003), be noted.

28. **MONTHLY BUDGET STATEMENTS: JUNE 2011** **(11/3/2)BLM**  
**(ITEM 37 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the monthly budget statements for June 2011 in terms of section 71 of the MFMA, 2003 (Act 56 of 2003), be noted.

29. **FINANCIAL INDICATORS: 31 MAY 2011** **(11/3/2)KJM**  
**(ITEM 38 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the content of the monthly finance report for May 2011 be noted.

30. **QUARTERLY REPORT ON EMPLOYMENT CREATION: APRIL 2011 TO JUNE 2011** **(17/3/5)MS**  
**(ITEM 39 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the fourth quarterly employment creation report be noted.

31. **FOURTH QUARTERLY LOCAL ECONOMIC DEVELOPMENT PROJECTS** **(17/3/3/6)MS**  
**PROGRESS REPORT: APRIL TO JUNE 2011**  
**(ITEM 40 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the fourth quarterly LED projects progress report be noted.

32. **TOWN PLANNING: SHIKWARU COUNTRY ESTATE DEVELOPMENT ON** **(17/3/4)SH**  
**PORTION 5 (A PORTION OF PORTION 2) OF THE FARM GELUK 285-KR,**  
**REMAINDER OF PORTION 1 OF THE FARM GELUK 285-KR, PORTION 2 (A**  
**PORTION OF PORTION 1) OF THE FARM GELUK 285-KR, PORTION 2 (A**  
**PORTION OF PORTION 1) OF THE FARM ZANDSPRUIT 287-KR, LIMPOPO**  
**PROVINCE**  
**(ITEM 41 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT in terms of the provisions of the Development Facilitation Act and its Regulations (Act 67 of 1995) the application for the establishment of a land development area to be known as Shikwaru Country Estate for the consolidation of the following farm portions; Remainder of Portion 1 of the Farm Geluk 285-KR, Portion 2 (A Portion of Portion 1) of the Farm Geluk 285-KR, Portion 5 (A Portion of Portion 2) of the Farm Geluk 285-KR, Portion 2 (A Portion of Portion 1) of the Farm Zandspruit 287-KR, and the development of a rural residential settlement in the south-western portion of the consolidated property, currently known as Portion 5 (a Portion of Portion 2) of the Farm Geluk, comprising 35 residential portions and the remaining portion zoned as "Special" for the purposes of access, game farming, offices, conference facilities, overnight accommodation and a landing strip, be supported subject to the following conditions:

- i) 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) the development controls be known as Greater Potgietersrus Town Planning Scheme, 1997 Amendment Scheme number 299 (Annexure 96) be submitted for approval by the local municipality before the promulgation of the land development area as an approved land development;
- iii) the consent of the Minister of Agriculture must be obtained and submitted to the Local Authority;
- iv) a Service Level Agreement must be entered into between the developer and the municipality with regard to the provision of refuse removal and electricity, subject to the availability of resources and that it is done at a cost basis.
- v) conditions of establishment be submitted to the local authority for consideration and approval;
- vi) all municipal services which are needed, and which have to be altered or to be moved as a result of the proposed development will be for the account of the developer;
- vii) the developer pays to the municipality engineering levies for each and every electrical connection connected to the electricity supply at the rates applicable at the time of making the connection;
- viii) the current national drive to make use of alternative energy sources must be implemented by the developer in order to decrease the consumption of electricity;
- ix) the municipality will not be involved in the internal reticulation such as meter readings, maintenance of networks, etcetera;
- x) metering will be done at the bulk supply points;
- xi) after the completion of the development, the developer must submit certificates of compliance for the entire development to the municipality.
- xii) the installation of all services shall adhere to all applicable standards and specifications of the Mogalakwena municipality at all the times;
- xiii) the land development area shall be comprised of the following zonings/ and land uses:
  - **“Residential 1”** : 35 single residential units (0,92ha in extent)
  - **“Special”** : Game farming, Office, Conference facilities, overnight accommodation, Access & Landing Strip)

- xiv) no fencing or building of walls on all erven be allowed in order to preserve the character of the area;
- xv) all erven zoned "Residential 1" shall have a density of one (1) dwelling unit per erf unless stipulated in the relevant Annexure and Schedules of the Town Planning Scheme;
- xvi) all erven zoned "Special" for purposes of Office, Conference Facility and Overnight Accommodation shall have a maximum coverage not exceeding 60% and shall be subjected to all development controls as stipulated in the Town Planning Scheme in operation or its successor in title.
- xvii) the parking requirements for erven zoned for "Special" for Office, shall be two (2) parking spaces per 100m<sup>2</sup> of the gross floor area; Conference Facility shall be eight (8) parking space per 100m<sup>2</sup> of the gross floor area; and Overnight Accommodation shall be one (1) parking space per bed/leasable room, plus six (6) parking spaces per 100m<sup>2</sup> public floor area;
- xviii) 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;
- xix) no building shall be erected so as to exceed the floor area ratio as prescribed in the Town Planning Scheme
- xx) a detailed site development plan (SDP) as per the provisions of the Greater Potgietersrus Town Planning Scheme, 1997 shall be prepared for all erven on which buildings have/are to be erected in Use Zones "Special" for Office, Conference facilities and Overnight Accommodation;
- xxi) a site development plan (SDP) 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;
- xxii) access to and from the land development area shall be made subject to the conditions imposed by the approving authority (Road Agency Limpopo);

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- xxiii) 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;
- xxiv) 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 Limpopo Development Tribunal and Surveyor General Office.
- xxv) 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 Township Ordinance (Ordinance 15 of 1986) are in order and be published simultaneously with the notice of declaration of the land development area as an approved land development area;
- xxvi) 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.

**33. CLAIM AGAINST MOGALAKWENA MUNICIPALITY : M S BAMBO: CASE  
NUMBER 75676/10 (15/3/2/58)I  
((ITEM 43 AGENDA EC 16 AUGUST 2011))**

**RESOLVED:**

THAT

- a) it be noted that Mr M S Bambo has instituted a claim against the municipality in the High Court under case number 75676/10 in the amount of R157 999,96 for compensation because he was not appointed in a position he applied for.
- b) the matter be opposed and the actions that have been taken this far to oppose the matter, be condoned.
- c) the municipal manager be authorised to sign all affidavits, pleadings and any other court documents that are required in this matter.



34. **POLICY ON THE APPOINTMENT OF ACTING MUNICIPAL MANAGER AND SECTION 56 MANAGERS AND PAYMENT OF AN ACTING ALLOWANCE**  
**(5/11/2)SM**  
**(ITEM 47 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the policy on the appointment of the acting municipal manager attached as pages 916 to 917 to the agenda of the executive committee dated 16 August 2011 be approved.

35. **EMPLOYMENT OF PRACTICAL STUDENTS**  
**(5/3/2)SM**  
**(ITEM 48 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the resolution taken by the executive committee on 8 December 2004, item 11(b) be revoked.
- b) the students doing municipal related practical/experiential training be paid a salary based on 10% of job level 7.

36. **MEMORANDUM OF UNDERSTANDING FOR OFFSITE RECOVERY SITE: DLGH**  
**(11/07/11)BB**  
**(ITEM 49 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the Memorandum of Understanding for offsite recovery site with Department of Local Government attached as pages 922 to 927 to the agenda of the executive committee dated 16 August 2011, be approved.

37. **TRAVEL AND CAR ALLOWANCE SCHEME**  
**(5/5/4)SM**  
**(ITEM 50 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the proposed travel and allowance scheme attached as pages 931 to 943 to the agenda of the executive committee dated 16 August 2011, be approved.
- b) a workshop be arranged for councillors with SARS in this regard.

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**38. MOGALAKWENA MUNICIPAL SPORTS AND RECREATION TEAM TO PLAY IN SWAZILAND (5/10/5)  
(ITEM 51 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the South African International Municipal Games that will take place in Swaziland, be noted.
- b) participating employees be granted a special leave during the South African International Municipal Games.
- c) all employees taking part in this trip will be treated as if they are on duty and normal working conditions of service will apply.
- d) it also be noted that all participating employees will be away from the office from 23/09/2011 to 01 October 2011.
- e) the municipal manager be authorized to revise the list when need arises.
- f) if the municipal strike is still on, the trip must be cancelled.

**39. WATER TANKER ACCIDENT REPORT: CFM 619 L : S AKONDO (8/1/2/3)TM  
(ITEM 52 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the unfortunate incident in which Mr Simon Akondo lost his life and the municipality lost its vehicle, be noted.
- b) water tanker registration number CFM 619 L be written off and removed from the assets register, barcode number 13555, asset number TRA 000000000200.
- c) the family be assisted to claim from Road Accident Fund.
- d) technical services promptly report accidents to finance to claim insurance from insurer within 30 days.

**40. SERVICE PROVIDER AGREEMENT: WATERBERG DISTRICT MUNICIPALITY AND MOGALAKWENA MUNICIPALITY: FUNDING OF ELECTRIFICATION PROJECTS**  
**(18/4/2)JNF**  
**(ITEM 53 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) council note the amount of R2 000 000,00 provided by Waterberg District Municipality to assist council with the electrification of Extensions 19 and 20.
- b) the Service Provider Agreement attached as pages 967 to 975 to the executive committee agenda dated 16 August 2011 be approved.
- c) the municipal manager be authorized to sign the Service Provider Agreement with Waterberg District Municipality.

**41. ACCIDENT REPORT: CDW 658 L : TRAFFIC & EMERGENCY SERVICES**  
**(8/2/1/1)LB**  
**(ITEM 54 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the accident report for motor vehicle with registration number CDW 658 L, be noted.
- b) it also be noted that an insurance claim has been forwarded to council's insurance company.

**42. ACCIDENT REPORT: BGL 012 L: TRAFFIC & EMERGENCY SERVICES**  
**(8/2/1/1) LB**  
**(ITEM 55 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the accident report for motor vehicle with registration number BGL 012 L, be noted.
- b) it also noted that an insurance claim was submitted to the council's insurance company.

181.  
16.09.11

**43. INVITATION OF TENDERS FOR THE MANAGEMENT OF PARKING METERS**  
**(9/3/1)LB**  
**(ITEM 57 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the current parking meter system be abolished and tenders be invited for the supply and operation of a parking meter management system.

**44. IDP AND BUDGET PROCESS PLAN: 2012 / 2013 FINANCIAL YEAR**  
**(17/3/5)DE**  
**(ITEM 58 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the IDP and budget process plan for 2012/2013 financial year be approved.
- b) council approves that the process plan shall be aligned with the Waterberg District Municipality process plan as soon as the latter becomes available.
- c) such aligned IDP process plan be ratified and approved by the IDP Steering Committee without necessarily having to be referred back to council for approval.
- d) it be noted that R610 000,00 has been made available in the 2011/2012 financial year budget for the development of the IDP and budget .

**45. TOWN PLANNING: LOST/STOLEN LAPTOP**  
**(17/3/4)SH**  
**(ITEM 59 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT

- a) the lost/stolen of a laptop, be noted.
- b) the laptop (asset number CEQ 000 0000 1143, bar code 13688) be written off and be removed from the assets register.
- c) it be noted that an insurance claim has been forwarded to council's insurance company.

**46. STRIKE ACTION BY SAMWU AND IMATU (5/10/4 & 5/10/1)MH**  
**(ITEM 63 AGENDA EC 16 AUGUST 2011)**

**RESOLVED:**

THAT the strike by SAMWU and IMATU for an indefinite period, be noted.

**47. UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE**  
**DURING 2009/2010 (6/14/3)WJ**  
**(ITEM 3 AGENDA SPECIAL EC 13 SEPTEMBER 2011)**

The ANC requested 20 minutes party caucus.

**RESOLVED:**

THAT the executive committee be authorized to investigate the matter within 21 days and a report be re-submitted for adjudication thereafter.

**48. CIRCULAR 1/2011: RE-DETERMINATION OF MUNICIPAL BOUNDARIES**  
**(17/1/2)DE**  
**(ITEM 4 AGENDA SPECIAL EC 13 SEPTEMBER 2011)**

**RESOLVED:**

THAT

- a) the contents of Circular 1/2011 of the Municipal Demarcation Board, be noted.
- b) the outstanding matter of the inclusion of Kroonstad farm into Lephalale municipality be noted.
- c) council resolution 21 c) of 10 December 2003 be noted.
- d) council identify and submit, before 15 December 2011, new proposals regarding municipal boundaries if any.
- e) all documentation relating to Kroonstad farm be submitted to the Municipal Demarcation Board.

183.  
16.09.11

**49. MUNICIPAL INFRASTRUCTURE GRANT (MIG): ALLOCATIONS TO EMERGENCY PROJECTS (2011/12 FINANCIAL YEAR) (6/6/5) STM**  
**(ITEM 5 AGENDA SPECIAL EC 13 SEPTEMBER 2011)**

**RESOLVED:**

THAT

- a) Council takes note of the letter from Department of Cooperative Governance dated 14 July 2011, and advise them that only 2% will be committed towards municipal sports facilities at Bargain.
- b) the inclusion of the following projects as part of the Municipal Infrastructure Grant (MIG) Program for 2011/12 financial year, be approved:
  - Hospital View stormwater project - R3, 500, 000.00
  - Clermont stormwater project - R1, 000, 000.00
  - Uitzicht roads (N11 connection) - R2, 000, 000.00
  - Galelia roads project phase 2 - R3, 500, 000.00
  - Ditlotswane roads (completion) - R1, 500, 000.00
  - Maribashoek road rehabilitation - R2, 300, 000.00
  - Malapile Stormwater - R3, 000, 000.00
  - Sports facilities (Bargain) - R2, 313, 170.00
- c) Council to identify which Satellite Areas within the Municipality would be allocated the funds and the type of facilities within the sporting area.

**50. ILLEGAL OCCUPATION OF MUNICIPALITY'S LAND AT BARGAIN (17/7)MPM**  
**(ITEM 6 AGENDA SPECIAL EC 13 SEPTEMBER 2011)**

**RESOLVED:**

THAT

- a) the report regarding illegal invasion of municipal land at a portion of the remainder of the farm Macalacaskop 243 KR, be noted.
- b) action be taken against anyone who may be found to be involved in the illegal occupation of municipal land.

**51. MAYOR'S REPORT**  
**(ITEM 7 AGENDA SPECIAL EC 13 SEPTEMBER 2011)**

The item was discussed in committee.

**52. ORGANISATIONAL REVIEW: 2011 (5/1/B)SM**  
**(ITEM 8 AGENDA SPECIAL EC 13 SEPTEMBER 2011)**

**RESOLVED:**

THAT

- a) the revised organizational structure of all the departments of the municipality be approved with the following amendments:
  - i) the position of the Divisional Head: Call Centre be created at level 3.
  - ii) the position of the PRO be placed in the Office of the Mayor.
  - iii) all artisans be on the same level.
  - iv) position of the personal assistant to the mayor be level 8.
  - v) a position of the project quality manager be created in the municipal manager's office.
- b) all secretaries be on level 8 and the current incumbent in the municipal manager's office remains on post level 7 until she is placed in a vacant position on the same level when a vacancy occurs.

**SECTION B**

**B: REPORT OF THE EXECUTIVE COMMITTEE FOR JULY AND AUGUST 2011 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 19 to 25) and requested that it be noted.

**RESOLVED:**

THAT the content of the reports of July and August 2011 of the executive committee with regard to matters which have been finalised in terms of its delegated powers, be noted.

**10. PETITIONS**

None.

185.  
16.09.11

**11. NEW MOTIONS**

**4/2/3**

The motion attached as Annexure A to the minutes was presented to the councilors after which the council resolved as indicated hereinunder:

The opposition parties indicated that they do not support the motion and requested 5 minutes caucus.

The opposition parties requested that a secret ballot voting be held.

The secret ballot voting was held and 34 councillors voted for the proposal and 19 councillors voted against the proposal.

**RESOLVED:**

THAT council amend/peal its resolution Item 6 special agenda EC 8 July 2009 to read as follows:

*“THAT*

- a) *the appointment contract for the municipal manager must be for the remaining term of office of councilors plus an additional period not exceeding six months after the election of the next council in 2011.*
- b) *such six months is calculated from the date the 2011 elections were declared, which was Saturday, 21 May 2011.*
- c) *such six months expires on 21 November 2011.*
- d) *the employment contract of the municipal manager be terminated on 21 November 2011.*
- e) *the North Gauteng High Court be approached for a declaratory order in terms of this resolution.”*

**The meeting terminated at 13:55.**

.....  
**SPEAKER**

.....  
**DATE**