

DATE : 37th COUNCIL : 27 AUGUST 2009

RESOLUTION NUMBER	HEADING	RESOLUTION	RESPONSIBLE DIRECTORATE
A.179/09	APPLICATION FOR SUBSTITUTION OF ERF 8056, KWAGUQA EXTENSION 17 WITH A PORTION OF ERF 5314, KWAGUQA EXTENSION 10 (ZULU CONGREGATION CHURCH)	<ol style="list-style-type: none"> 1. That the allocation of Erf 8056, KwaGuqa Extension 17 to Zulu Congregation Church as resolved under item A. 342 dated 29 September 2002, be rescinded; 2. That Portion 7 of Erf 5314, KwaGuqa Extension 10 therefore be alienated to the Zulu Congregation Church, in terms of Section 14 of the Municipal Finance Management Act, 2003 read with Section 3.1.2.1 of the Disposal and Acquisition of Immovable Properties Policy of the Council (A.058/08 dated 27 March 2008) subject to the following conditions, namely: <ol style="list-style-type: none"> 2.1. that a registered valuator be appointed to determine the purchase price, on which a 75% discount are applicable, and that the purchase price be to the approval of the Chief Financial Officer; 2.2 that the amount of R4 500-00 paid as a deposit towards the purchase of Erf 8056, KwaGuqa Extension 17 be used as part of the deposit payable on a portion of Erf 5314, KwaGuqa Extension 10; 2.3. that the property be alienated "Voetstoots"; 2.4. that the standard financial conditions of the Council will be applicable; 2.5. that the provision of all municipal services will be for the account of the purchaser; 2.6. that the cost to provide any service connections to the property will be for the account of the purchaser; 2.7. that it be noted that an electrical point of supply is available at the erf, should more power be required, all costs for the upgrading will be for the account of the purchaser; 2.8. that it be noted that if any municipal services needs to be re-routed or servitudes needs to be registered for the services, all such cost will be for the account of the Purchaser; 2.9. that the property be developed within 24 months 	<p>DP</p> <p>DP</p>

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		<p>from date of registration in the name of the purchaser;</p> <p>2.10. that the development is subject to the approval of a Site Development Plan;</p> <p>2.11. that it be noted that no construction work will be allowed on site or that any subdivision application will be approved prior to the approval of the above mentioned Site Development Plan;</p> <p>2.12. that building plans must be submitted to and approved by Building Control Section before any construction can take place on site;</p> <p>2.13. that parking be addressed in the Site Development Plan to the satisfaction of the Chief City Planner;</p> <p>2.14. that a restrictive title deed condition be added to the title deed of the property stipulating that the property may only be used for the purposes of a church and ancillary uses;</p> <p>2.15. that all costs pertaining to the Deed of Sale and the transfer of the property will be for the account of the Purchaser;</p> <p>2.16. that an 5 year pre-emptive right clause be included in the Deed of Sale in favour of the Municipal Council;</p> <p>2.17. that it be noted in terms with the provisions of Section 14 of the Municipal Finance Act, 2003 that Erf 5314, KwaGuqa Extension 10 is not required for the provision of basic services,</p> <p>2.18. that the provisions of Section 170(2) of the Municipal Finance Management Act, 2003 be adhered to; and</p> <p>2.19. that arrear account on stand Erf 8056 Kwaguqa extension 7 be paid to Council before transfer of the stand can take place.</p>	
A.180/09	APPLICATION FOR THE DONATION OF COUNCIL PROPERTY, PORTION 134	That the item be referred back for further investigations regarding the possible partnership between Emalahleni Municipality and Social Services and to verify other relevant information.	DP

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	(FORMER PORTION 97) OF THE FARM NOOITGEDACHT 300 JS.		
A.181/09	APPLICATION TO USE A BOATHOUSE AT THE DAM TO PICKUP PEOPLE WHO WOULD LIKE TO TOUR ON THE DAM	That the item be referred back for more information and an inspection-in-loco.	DP
A.182/09	APPLICATION TO LEASE ERF 6681 (FORMER ZCC SITE), KWAGUQA EXTENSION 6	<p>That the application received from Singqobile ABET Centre to lease Erf 6681, KwaGuqa Extension 6 for a lease period of nine years and eleven months in terms with Section 14 of the Municipal Finance Management Act, 2003, read with Section 3.2.1.1 of the Disposal and Acquisition of Immovable Properties Policy of the Council (A.058/08 dated 28 March 2008) be approved, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. that the rental be R130.00 (excl. Vat) per month, which is 75% discount of the monthly rental of R520.00 (excl. VAT) because the applicant is a non-profit organisation; 2. that a 6-month cancellation clause be included in the lease agreement; 3. that the lease amount is subject to an annual escalation equal to the CPIX rate; 4. that the lessee will be responsible for the installation and connection of all internal municipal services; 5. that the lessee will be responsible for the services account of the property and if necessary, for the provision of separate water and electricity meters; 6. that all intended improvements to the property will be for the account of the lessee and must be done in accordance with building plans to the approval of the Directorate: Infrastructure and Basic Services; 7. that all improvements to the property will become the property of the Council upon expiry 	<p>DP</p> <p>DP</p> <p>DP</p> <p>DP</p> <p>DP</p>

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		<p>of the lease agreement, and it must be noted that the Council will not be obliged to compensate the Lessee for such improvements;</p> <p>8. that the lessee accepts the responsibilities for the maintenance of the property, and</p> <p>9. that the Housing Section (Directorate Development Planning) cancels the arrangements made with the contractor 'occupying the site.</p>	<p>DP</p> <p>DP</p>
A.183/09	APPLICATION TO PURCHASE ERF 1076 OR 1604, TASBETPARK EXTENSION 2	<p>1. That the application received from The Methodist Church of South Africa to purchase Erven 1076 or 1604 Tasbetpark Extension 2 not be approved,</p> <p>2. that Erf 1076, Tasbetpark Extension 2 be alienated by means of Public Bid in terms of the provisions of Section 14 of the Municipal Finance Management Act, 2003, read with the provisions of Section 3.1.1.1 (3) of the Disposal and Acquisition of Immovable Property Policy of the Council be approved, subject to the following conditions:</p> <p>2.1. that a registered valuator be appointed to determine the reserve price of the erf, to the approval of the Chief Financial Officer;</p> <p>2.2. that the normal financial conditions of Council will be applicable;</p> <p>2.3. that the provisions of all municipal services will be for the account of the applicant;</p> <p>2.4. that the engineering design layout plans must be submitted for the approval of the Director: Infrastructure and Basic Services;</p> <p>2.5. that it be noted that any upgrading of existing services will be for the account of the applicant;</p> <p>2.6. that should it be necessary for any municipal services to be moved or re-routed, all costs will be for the account of the applicant;</p> <p>2.7. that any damage to the services will be for the account of the applicant;</p> <p>2.8. that the development of the property will be in accordance with a Site Development Plan that must be submitted for the approval of the Chief</p>	<p>DP</p> <p>DP</p>

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		<p>City Planner prior the commencement of any building activities on site;</p> <p>2.9. that the development must comply with the development conditions applicable to the "Residential 3 " zoning of the erf;</p> <p>2.10. that the purchaser shall within a period of twenty four (24) months from date of registration of the property develop the property, in lieu of which the property shall revert to the Council, and</p> <p>2.11. that access to the property be addressed in the Site Development Plan to the approval of the Directorate: Infrastructure and Basic Services.</p>	
A.184/09	CONSTITUTION 17 TH AMENDMENT BILL	<p>That comments to withdraw the 17th Constitution Amendment Bill be submitted to the Department of Justice and Constitutional Development for the following reasons:</p> <ol style="list-style-type: none"> 1. that the Bill infringes on the rights of municipalities to manage their own affairs; 2. that it allows national government greater scope for intervention in local government matters, and the power to strip or unilaterally transfer assets and functions (like electricity reticulation) thus usurping the constitutional powers of the Provinces; 3. that the accountability of local and regional government officials for service delivery could be significantly reduced as the Bill has the potential for altering the structure and functioning of our democratic system of government as it seeks to empower national government to regulate the executive authority of municipalities; and 4. that the balance of powers between the three (3) tiers of government would be significantly altered. 	<p>ARM</p> <p>ARM</p> <p>ARM</p> <p>ARM</p> <p>ARM</p>
A.185/09	APPLICATION TO LEASE PREMISES AT RIETSPRUIT SHOPPING CENTRE BY SHOPRITE	<ol style="list-style-type: none"> 1. That the 3 months cancellation clause of Council resolution A.300/08 of 4 December 2008 be replaced by a 5 year lease period, and 2. that the rental amount of R2 000-00 per month be withheld for a period of 12 months or until such time that 	<p>ARM</p> <p>CFO</p>

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		<p data-bbox="1086 274 1482 363">2.1.4.2 Basic Services; Director: Development Planning;</p> <p data-bbox="1086 363 1482 485">2.1.4.3 Director: Administration and Resource Management;</p> <p data-bbox="1086 485 1482 517">2.1.4.4 Director: Public Safety</p> <p data-bbox="1003 549 1482 612">2.1.5 the Manager responsible for budgeting;</p> <p data-bbox="1003 612 1482 644">2.1.6 the Manager IDP;</p> <p data-bbox="1003 644 1482 676">2.1.7 the Executive Mayor;</p> <p data-bbox="1003 676 1482 740">2.1.8 all the members of the Mayoral Committee;</p> <p data-bbox="1003 740 1482 884">2.1.9 the Municipal Manager; provided that the non-attendance of the members in 2.1.7 to 2.1.9 will not affect the quorum.</p> <p data-bbox="810 884 1482 1011">3. that the following budget related policies adopted by Council be noted in terms of Section 7 of the Municipal Budget and Reporting Regulations:</p> <p data-bbox="904 1043 1482 1075">3.1 tariff policy;</p> <p data-bbox="904 1075 1482 1107">3.2 rates policy;</p> <p data-bbox="904 1107 1482 1139">3.3 credit control and debt collection policy;</p> <p data-bbox="904 1139 1482 1203">3.4 cash management and investment policy;</p> <p data-bbox="904 1203 1482 1235">3.5 supply chain management policy;</p> <p data-bbox="904 1235 1482 1283">3.6 policies dealing with the management and disposal of assets.</p> <p data-bbox="810 1283 1482 1378">4. That it be noted that funds created must be fully cash backed in terms of Section 12 of the Municipal Budget and Reporting Regulations;</p> <p data-bbox="810 1378 1482 1442">5. That the following formats for reporting be noted:</p>	<p data-bbox="1563 884 1644 916">CFO</p> <p data-bbox="1563 1315 1644 1347">CFO</p> <p data-bbox="1563 1394 1644 1426">CFO</p>

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		<p>5.1 Schedule A - Annual Budgets and Supporting Documentation of Municipalities (Section 9);</p> <p>5.2 Schedule B - Adjustments Budgets and Supporting Documentation of Municipalities (Section 21);</p> <p>5.3 Schedule C - In-year Reports (Section 28);</p> <p>5.4 Schedule D - Annual Budgets and Supporting documentation of Municipal Entities (Section 9);</p> <p>5.5 Schedule E - Adjustments Budgets and Supporting documentation of Municipal Entities (Section 21);</p> <p>5.6 Schedule F - In-Year Reports of Municipal Entities (Section 28);</p> <p>5.7 Schedule G - Extensions and non-compliance with Time Provisions.</p> <p>6. that it be noted that the Executive Mayor can approve unforeseen and unavoidable expenditure in terms of Section 29 of the Municipal Finance Management Act read with Section 72(c) of the Municipal Budget and Reporting Regulations to the amount of R15 million in line with the conditions of Section 73 of the Municipal Budget and Reporting Regulations.</p> <p>7. that a Council Committee for unauthorized, irregular or fruitless and wasteful expenditure be established as follows: 7.1 the Speaker, MMC : Finance and MMC : LED; 7.2 1 x DA Councillor, Councillor S.P. Fourie.</p> <p>8. that a workshop be conducted for all councillors to abreast themselves with the new regulations.</p>	<p>CFO</p> <p>CFO</p> <p>CFO</p>
A.189/09	UNFORESEEN AND UNAVOIDABLE	1. That the actions of the Executive Mayor be condoned; and	CFO

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	EXPENDITURE – ESKOM	2. that the transfer of funds as per Annexure “N” to the amount of R27,559,649 for electrical purchases be approved.	CFO
A.190/09	MONTHLY FINANCIAL REPORT – JULY 2009	<p>1. That it be noted that the monthly financial report with effect from 1 July 2009 must comply with the Local Government Municipal Finance Management Act, Act No. 56 of 2003 : Municipal Budget and Reporting Regulations approved in terms of Section 168 of the Municipal Finance Management Act and approved per Government Gazette No. 32141 dated 17 April 2009 for implementation with effect from 1 July 2009;</p> <p>2. that table C1 s71 Monthly Budget Statement Summary be noted;</p> <p>3. that table C2 Monthly Budget Statement – Financial Performance (standard classification) be noted;</p> <p>4. that table C3 Monthly Budget Statement – Financial Performance (revenue and expenditure by municipal vote) be noted;</p> <p>5. that table C4 Monthly Budget Statement – Financial Performance (revenue and expenditure) be noted;</p> <p>6. that table C5 Monthly Budget Statement – Capital Expenditure (municipal vote, standard classification and funding) be noted;</p> <p>7. that table C6 Monthly Budget Statement – Financial Position be noted;</p> <p>8. that table C7 Monthly Budget Statement – Cash flow be noted; and</p> <p>9. that a workshop be conducted for all Councillors to explain the new regulations before the end of September 2009;</p> <p>10. that separate reports be submitted on a monthly basis with regards to :</p> <p style="margin-left: 40px;">a. overtime payments;</p> <p style="margin-left: 40px;">b. payment rate; and</p> <p style="margin-left: 40px;">c. cut-off of services.</p>	<p>CFO</p> <p>CFO</p> <p>CFO</p> <p>CFO</p> <p>CFO</p> <p>CFO</p> <p>CFO</p> <p>CFO</p> <p>CFO</p> <p>CFO</p> <p>CFO</p>
A.191/09	PROGRESS REPORT ON THE LOCAL ECONOMIC DEVELOPMENT PLAN	That the progress report on the Local Economic Development Plan for Lakeside Colliery and Leewfontein Colliery for the social and labour plan submitted in terms of regulation 42(1) (a) of the Mineral and Petroleum Resources Development Act, 2002	LED MAN

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	FOR LAKESIDE COLLIERY AND LEEWFFONTEIN COLLIERY FOR THE SOCIAL AND LABOUR PLAN SUBMITTED IN TERMS OF REGULATION 42(1) (a) OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (MPRDA) (ACT 28 OF 2002)	(MPRDA) (act 28 of 2002) be noted.	
A.192/09	MPUMALANGA TOURISM EXPO TO BE HELD IN eMALAHLENI CITY HALL FROM 16 TO 17 SEPTEMBER 2009	<ol style="list-style-type: none"> 1. That a report on Mpumalanga Tourism Expo to be held at eMalahleni City Hall from the 16 to 17 September 2009 be noted; 2. that the venue to host the event be provided with no fee as the municipal contribution towards tourism promotion and Local Economic Development; and 3. that other logistical issues such as traffic control, Disaster management, Public Safety be rendered in support of Tourism Development as part of Local Economic Development. 	<p>LED MAN</p> <p>LED MAN CFO</p> <p>LED MAN PS</p>
A.193/09	MEC's COMMENTS ON THE 2009/10 REVIEWED INTEGRATED DEVELOPMENT PLAN	That the Comments from the MEC on the 2009/10 Reviewed Integrated Development Plan be noted.	IDP MAN
A.194/09	2010/11 EMALAHLENI MUNICIPALITY IDP PROCESS PLAN	<ol style="list-style-type: none"> 1. That the 2010/11 Emalahleni Municipality IDP Process Plan be adopted by Council; and 2. that the 2010 /11 Nkangala District Municipality IDP Framework Plan be noted. 	IDP MAN
A.195/09	ROLL-OVERS CAPITAL BUDGET 2008/2009:	<ol style="list-style-type: none"> 1. That the roll-overs attached as Annexure "W" amounting to R117,434,609 on capital projects be transferred to the 2009/2010 financial year in terms of Section 19 of the Municipal Financed Management Act, Act No. 56 of 2003 (as amended) (Capital Projects); 2. that (1) above be financed as follows: 	CFO

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		<table border="1"> <tr> <td></td> <td>R</td> </tr> <tr> <td>MIG</td> <td>12,157,447</td> </tr> <tr> <td>External loans</td> <td>96,918,533</td> </tr> <tr> <td>Income</td> <td>8,358,629</td> </tr> </table>		R	MIG	12,157,447	External loans	96,918,533	Income	8,358,629	CFO
	R										
MIG	12,157,447										
External loans	96,918,533										
Income	8,358,629										
A.196/09	SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLANS FOR THE 2009/2010 FINANCIAL YEAR	<ol style="list-style-type: none"> 1. That the Service Delivery and Budget Implementation Plan for the 2009/2010 financial year as contained in Annexure "X", be approved; and 2. that the contents of the Service Delivery and Budget Implementation Plan be noted. 	PMU ALL								
A.197/09	TEMPORARY RELOCATION OF UTHINGO PARK EVICTEES:	<ol style="list-style-type: none"> 1. That Council approves that the evictees from Uthingo Park be relocated temporarily to Duvha Park Extension 1 for a period of 30 days; 2. that the evictees be informed that accommodation is provided only for a 30 day period to allow them time to find alternative accommodation; 3. that the evictees to be relocated must sign affidavits with the South African Police Services that they are only relocated to Duvha Park Extension 1 for a period not exceeding 30 days; 4. that Council provides basic services like water for the evictees; 5. that the available tents be provided to the families registered during the collection of data; 6. that the evictees shall not erect permanent structures on the said land; 7. that the Directorate Public Safety patrols and monitors to ensure that no structures are erected; 8. that Council should take legal action in the event that the evictees refuse to move out from the temporary accommodation at the stipulated time; 9. that the contents of the report be conveyed to the President, the Premier and the MEC for Human Settlement; and 10. that the Chief Financial Officer identify money to exercise squatter control for the 30 day period. 	DP DP DP PS IBS DP PS PS PS/DP ARM DP CFO								

