



**RESOLUTIONS ARISING FROM THE COUNCIL MEETING
HELD ON FRIDAY, 28 OCTOBER 2016**

A79/10/2016

**FINANCIAL PERFORMANCE REPORT FOR THE FIRST QUARTER OF THE
2016/2017 FINANCIAL YEAR ENDED 30 SEPTEMBER 2016**

(JMM)

(6/1/1-16/17)

RESOLVED

1. That the 2016/2017 Financial Performance Report for the first quarter ending 30 September 2016, submitted in terms of Section 52(d) and 71 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, and Section 28 of the Government Notice No.32141, **BE ACKNOWLEDGED**.
2. That it **BE ACKNOWLEDGED** that for the quarter under review, there were no deviations from the Supply Chain Management Regulations.
3. That purchases above R100,000 for the quarter ending 30 September 2016 **BE ACKNOWLEDGED**.
4. That it **BE ACKNOWLEDGED** that as a result of late payment of Eskom bulk account fruitless and wasteful expenditure in the amount of R4,932,448 (interest & penalties) has been incurred and will be reported in terms of the requirement of the Local Government: Municipal Finance Management Act, Act 56 of 2003.
5. That in order to comply with Section 31(1) of the Government Gazette No 32141 of 17 April 2009 this report **BE SUBMITTED** to the National Treasury and the relevant Provincial Treasury within five days of tabling of the report in the Council, in both a Council approved document and in electronic format.

MIG PROJECT REALLOCATION AND REPRIORITIZATION FOR 2016/2017 FINANCIAL YEAR

(MFM)

(6/1/1-16/17)

RESOLVED

1. That it **BE ACKNOWLEDGED** that the MIG grant 2015/2016 financial year was earmarked for the following projects:

Description	Budget/R
Refurbishment of eMbalenhle Waste Water Treatment Works	10,000,000
Refurbishment of Kinross Waste Water Treatment Works	20,000,000
Conversion of VIP toilets in eMzinoni Extension 5 and 9	10,000,000
Conversion of VIP toilets in Kinross Extension 25	10,000,000
Installation of boreholes in rural areas	5,888,000

2. That it **BE ACKNOWLEDGED** that two projects did not start as planned in the 2015/2016 financial, i.e. the conversion of VIP toilets in Kinross Extension 25 and the installation of boreholes in rural areas, as a result of the delayed approval of technical reports by the Department of Water & Sanitation and project registration by COGTA.
3. That it **BE ACKNOWLEDGED** that the claim with respect to the project for the construction of a sports and recreation centre in eMzinoni (Ward 22) in the amount of R2,048,842-00 was received late due to the late approval of certificates.
4. That it **BE ACKNOWLEDGED** that the Executive Mayor has approved the following unavoidable expenditure on the Municipal Infrastructure Grant (MIG) projects for the 2016/2017 financial year and that the approval **BE CONDONED**:
- 4.1. Installation of boreholes in rural areas in the amount of R4,806,049-26.
- 4.2. Construction of a sport and recreation centre in eMzinoni in the amount of R2,048,842-00.
5. That the unavoidable expenditure mentioned in point 4 **BE APPROPRIATED** in the adjustments budget in February 2017 in compliance with Section 29(2)(d) of the Local Government: Municipal Finance Management Act, Act 56 of 2003
6. That the MIG project list for the 2016/2017 financial year **BE REALLOCATED** and **REPRIORITIZED** as follows:

Ward	Description	Approved Budget	Proposed Budget/R
Ward 16 (Kinross)	Upgrading of Kinross WWTW	14 400 000	13 306 108.60
Ward 9 (eMbalenhle)	Upgrading of eMbalenhle WWTW	10 000 000	14 000 000.00
Ward 23 (eMzinoni)	conversion of VIP toilets in eMzinoni Extension 6,10	10 761 000	9 000 000.00
Ward 16 (Kinross)	Conversion of VIP toilets in Kinross ext 25	5 000 000	8 000 000.00

Ward 10 (Charl Cilliers)	Installation of water and sanitation services	10 000 000	0
Ward 12,14 (eMbalenhle)	Sewer reticulation network in eMbalenhle Extension 18	0	4 000 000
Ward 1,10,15,17 (farms)	Installation of Boreholes in Rural areas	0	4 806 049.26
Ward 23 (eMzinoni)	Construction of Sports and Recreation Centre in Emzinoni	0	2 048 842.14

A81/10/2016

APPOINTMENT: 2016/2019 AUDIT COMMITTEE MEMBERS

(MFM)

(13/3/16)

The following three proposals were submitted on point 1:

Proposal 1:

1. That the following ad-hoc committee **BE CONSTITUTED** to review all the applications received and thereafter make recommendations to Council on the persons to be appointed as Audit Committee members as well as the candidate for chairperson:
 - The Speaker;
 - MMC Councillor for Corporate Services; and
 - MMC Councillor for Finance.

Proposal 2:

1. That the following ad-hoc committee **BE CONSTITUTED** to review all the applications received and thereafter make recommendations to Council on the persons to be appointed as Audit Committee members as well as the candidate for chairperson:
 - The Speaker;
 - MMC Councillor for Corporate Services;
 - MMC Councillor for Finance; and
 - One representative from each political party as observer.

Proposal 3:

1. That the following ad-hoc committee **BE CONSTITUTED** to review all the applications received and thereafter make recommendations to Council on the persons to be appointed as Audit Committee members as well as the candidate for chairperson:
 - The Speaker;
 - MMC Councillor for Corporate Services;
 - MMC Councillor for Finance; and
 - Any councillor who so wish may attend as observer.

After this matter was put to the vote it was with a majority of 29 for proposal one, 15 for proposal 2 and 2 for proposal three:

RESOLVED

1. That the following ad-hoc committee **BE CONSTITUTED** to review all the applications received and thereafter make recommendations to Council on the persons to be appointed as Audit Committee members as well as the candidate for chairperson:

- The Speaker;
 - MMC Councillor for Corporate Services; and
 - MMC Councillor for Finance.
2. That the Audit Committee's terms of reference **BE DETERMINED** as those contained in Section 166 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, and that the Audit Committee **COMPLIES** with the charter approved through resolution A14/03/2013.
 3. That Audit Committee members **BE REMUNERATED** as per resolution A71/10/2014.

REPORT ON THE IMPLEMENTATION OF RESOLUTIONS IN TERMS OF NON-DELEGATED POWERS FOR THE 2014/2015 FINANCIAL YEAR

(MFM)

(4/1/5/2)

RESOLVED

1. That the consolidate report on the implementation of resolutions passed during the 2014/2015 financial year in terms of non-delegated powers **BE ACKNOWLEDGED**.
2. That the implementation of points 8 and 11 of resolution A35/08/2014 **BE REFERRED** to the Municipal Public Accounts Committee for further investigation:
 - “8. *That an investigation regarding the sale of electricity by third parties BE UNDERTAKEN to determine whether there are any short-comings and that the findings be reported at the Council meeting scheduled for Wednesday, 27 August 2014.*
 11. *That tender 8/3/1-29/2014: Supply, installation and management of a STS compliant prepaid electricity vending solution to the municipality for a period of three years, BE AWARDED within three weeks, subject to the conditions of the Supply Chain Management Policy.”*
3. That the Municipal Public Accounts Committee **INVESTIGATE** why items A25/05/2016, A26/05/2017, A27/05/2016 and A28/05/2016 were not tabled at the Council meeting held on the 28th of August 2016 as resolved by Council.
4. That it **BE ACKNOWLEDGED** that the reports on the implementation of resolution for the fourth quarter of the 2015/2016 financial year and the report on the first quarter of the 2016/2017 financial year will be tabled in November 2016.

A83/10/2016

EXTENSION OF SECONDMENT OF THE MANAGER LEGAL SERVICES & MUNICIPAL COURT TO THE DIPALESENG MUNICIPALITY

(ZLM)

(2/1/2/1)

RESOLVED

1. That it **BE ACKNOWLEDGED** that the Honourable MEC for Co-operative Governance & Traditional Affairs in Mpumalanga, Ms. RM Mtshweni, has seconded the Manager Legal Services & Municipal Court, Mr. SL Netshivhale, to the Dipaleseng Municipality as Acting Municipal Manager, with effect from the 1st of March 2016 for a period not exceeding six months.
2. That it **BE ACKNOWLEDGED** that the Honourable MEC for Co-operative Governance & Traditional Affairs in Mpumalanga, Ms. RM Mtshweni, has extended the period of Mr. Netshivhale's secondment for a further three months until the 30th of November 2016.

A84/10/2016

MUNICIPAL CODE

(ZLM)

(9/1)

RESOLVED

1. That the Municipal Code as contained in the Council agenda dated 28 October 2016 **BE APPROVED**.
2. That the Municipal Code **BE WORKSHOPPED** with all councillors before the end of November 2016.

A85/10/2016

SUCCESSIVE EMPLOYMENT EQUITY PLAN 2016/2017

(ZLM)

(1/2/1/61)

RESOLVED

1. That the Employment Equity Plan as contained in the Council agenda dated 28 October 2016 **BE APPROVED** and **BE IMPLEMENTED** with effect from 1st of July 2016 to the 30th of June 2017.
2. That Directors **ENSURE** compliance and reflect positive improvement in their departmental appointments.
3. That equal representation in all occupational levels, as per the economical active population, **BE ACHIEVED**.
4. That employment equity targets **BE INCLUDED** in the Departmental SDBIP for the 2016/17 financial year and that efforts **BE MADE** to achieve the set departmental targets, including those for people with disabilities.
5. That Employment Equity targets **BE INCLUDED** in the Departmental SDBIP's for all Senior Managers for the 2016/17 financial year.

WATER RESTRICTIONS AND THE WATER RESTRICTION TARIFF

(MS)

(17/1/1/3)

RESOLVED

1. That it **BE ACKNOWLEDGED** that the Rand Water as set a 15% curtailment on the provision of water to urban users as per Government Gazette No. 40203, Notice No. 910, dated 12 August 2016.
2. That it **BE ACKNOWLEDGED** that the limit came into effect from the date of the notice in the Government Gazette, i.e. the 12th of August 2016.
3. That it **BE ACKNOWLEDGED** that in order for the municipality to meet Rand Water's limitation, the following water restrictions are being implemented:

Restrictions applicable to all customers:

- No watering will be permitted within 24 hours of rainfall that provides adequate saturation. (Facilities/customers making use of boreholes or other sources are not exempt from this.)
- When watering gardens, parks, open spaces, etc. with alternative water resources (e.g. boreholes, greywater, treated effluent or rain water harvesting) you are encouraged to do so only before 09:00 or after 16:00.
- If alternative water sources are utilised, all customers must ensure that they display the appropriate signage to this effect clearly visible from a public thoroughfare.
- Special users (e.g. golf courses and schools) can apply to the Director: Technical Services for exemption to any of the above.
- No automatic top-up systems are allowed for swimming pools. It is recommended that all swimming pools be covered by a pool cover to avoid evaporation when not in use.
- Ornamental water fountains/water features to be operated only by recycling the water.

Restrictions applicable to residential customers:

- Washing of vehicles (including recreational vehicles and watercraft) allowed only with hosepipes fitted with automatic self-closing devices, or with waterless products.
- No washing or hosing down of hard-surfaced or paved areas with drinking water from a tap is allowed.
- All taps, showerheads and other plumbing components encouraged to be replaced with water efficient parts/technologies.

Restrictions applicable to businesses (commercial and industrial):

- Watering of plants in nurseries, farms, vegetable gardens, etc. for commercial gain will be exempted from the water restrictions subject on approval by Director Technical Services.
- When washing vehicles and/or equipment (including commercial car wash facilities), use only water efficient/water recycling technology and equipment or waterless products. Display of water saving and water efficiency messages encouraged.
- Informal car washes to use only buckets and not hosepipes.
- Washing of paving and hard surfaces with potable water is prohibited. However, areas where prior permission in writing has been granted (such as to abattoirs and food processing industries) will be exempted.

All taps, showerheads and other plumbing components in public places must be replaced with water efficient parts/technologies.

4. That in order to enforce the above-mentioned water restrictions, the following water restrictions tariff **BE APPROVED**:

Domestic Water Restriction Tariff - Metered Areas Kilolitres			2016/2017	
per connection per month	Tariff (R/k)		Water Restriction Tariff	Tariff
% Increase			R' Increase	(R/k)
0-7	R 17.453	0%	R 0.00	R 17.453
> 7-15	R 17.453	10%	R 1.745	R 19.198
>15-20	R 18.297	20%	R 3.659	R 21.956
>20-60	R 19.566	30%	R 5.870	R 25.436

Industrial Water Restriction Tariff - Metered Areas Kilolitres			2016/17	
per connection per month	Tariff (R/k)		Water Restriction Tariff	Tariff
% Increase			R' Increase	(R/k)
>200-800	R17.790	15%	R 2.669	R20.459
>800-1500	R 16.730	25%	R 4.183	R 20.913
>1500-2500	R16.510	35%	R 5.779	R 22.289
>2500	R16.240	45%	R7.308	R 23.548

5. That before the above-mentioned water restrictions tariff is implemented a thorough public awareness campaign **BE UNDERTAKEN**.

B08/10/2016

2014/2015 REPORT ON THE IMPLEMENTATION OF RESOLUTIONS IN TERMS OF DELEGATED POWERS

(MFM)

(4/1/5/1)

RESOLVED

That the report on the implementation of resolutions passed in terms of delegated powers during the 2014/2015 financial year **BE ACKNOWLEDGED.**

B09/10/2016

TOWN PLANNING APPLICATIONS

(NSW)

(STAND/FILES)

RESOLVED

That it **BE ACKNOWLEDGED** that the town planning matters tabled for consideration under items B03/05/2017, B04/05/2016, B04/05/2016, B05/05/2016, B06/05/2016 and B07/05/2016 have been finalized by the Executive Mayor through the delegated authority in terms of point 4 of resolution A23/06/2011.