



**RESOLUTIONS ARISING FROM THE COUNCIL MEETING
HELD ON FRIDAY, 2 DECEMBER 2016**

A87/11/2016

2015/2016 FOURTH QUARTER REPORT ON THE IMPLEMENTATION OF RESOLUTIONS IN TERMS OF NON-DELEGATED POWERS: APRIL TO JUNE 2016

(MFM)

(4/1/5/2)

RESOLVED

1. That the report on the implementation of resolutions passed in terms of non-delegated powers during the fourth quarter of the 2015/2016 financial year, April to June 2016, **BE ACKNOWLEDGED**.
2. That a report on the progress made with the implementation of point three of resolution A13/02/2016 **BE TABLED** to Council at the meeting to be held on Friday, 27 January 2017:
 - “3. *That the implementation of point eight of resolution A80/10/2015 is progressing too slowly and the Municipal Manager must ENSURE improvement:*
 - “8. *That a study BE COMMISSIONED on the billing data measured against the electricity and water meters on the ground and that the findings be reported to Council.*”
3. That a report **BE TABLED** to Council at the meeting to be held on Friday, 27 January 2017 on the comments received from the MEC of the Department Co-operative Governance & Traditional Affairs on the Final Third Annual Review (May 2016) of the 2012/2017 IDP document.

A88/11/2016

2016/2017 FIRST QUARTER REPORT ON THE IMPLEMENTATION OF RESOLUTIONS IN TERMS OF NON-DELEGATED POWERS: JULY TO SEPTEMBER 2016

(MFM)

(4/1/5/2)

RESOLVED

That the report on the implementation of resolutions passed in terms of non-delegated powers during the first quarter of the 2016/2017 financial year, July to September 2016, **BE ACKNOWLEDGED.**

APPOINTMENT: 2016/2019 AUDIT COMMITTEE MEMBERS

(MFM)

(13/3/16)

RESOLVED

1. That the following candidates **BE APPOINTED** as new members of the Audit Committee in terms of Section 166 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, for a period of three years:
 1. Ms. GC Dlamini
 2. Mr. LD Kamokadika
 3. Ms. APV Mangoma
2. That it **BE ACKNOWLEDGED** that the membership of the following remaining Audit Committee members will expire on the 31st of October 2017:
 - Mr. SP Simelane
 - Mr. SD Mahlasela
3. That Mr. SP Simelane **BE DESIGNATED** as the chairperson of the Audit Committee.
4. 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.
5. That the Audit Committee members **BE REMUNERATED** as per resolution A71/10/2014 as follows:

DESIGNATION	AMOUNT PER SITTING	TRAVELLING
Chairperson	R6 000-00	According to AA tariffs
Member	R5 500-00	According to AA tariffs

A90/11/2016

MARKETING AND CUSTOMER RELATIONS STRATEGY

(ZLM)

(2/4/1)

RESOLVED

1. That the Marketing Strategy & Customer Relations Strategy, as contained in the Council meeting agenda dated 2 December 2016, **BE APPROVED** and **IMPLEMENTED**.
2. That a workshop **BE ARRANGED** for all councillors on the Marketing Strategy & Customer Relations Strategy.

A91/11/2016

MOTION 5 OF 2016

(ZLM)

(8/3/1/-45/2012)

RESOLVED

1. That it **BE ACKNOWLEDGED** that a strategic planning session was held from the 9th to the 11th of November 2016 where the review of the organizational structure was amongst the issues discussed.
2. That it **BE ACKNOWLEDGED** that the administration is in the process of consolidating the inputs made at the strategic session and once finalized will be tabled to Council for consideration.

MOTION 6 OF 2016

(ZLM)

(5/10/9)

RESOLVED

1. That it **BE ACKNOWLEDGED** that in the matter between the municipality and the illegal occupiers of Kinross, Extensions 21 and 25 and the Farm Zondagskraal 125 IS, the Constitutional Court ruled as follows on the 8th of September 2016:

“1. Leave to appeal is granted.

2. The appeal succeeds with costs.

3. The order of the High Court is set aside and replaced with the following:

(a) The Govan Mbeki Municipality and the applicants are required to engage with each other meaningfully to come up with a reasonable solution that accords with the applicants' rights and the Municipality's obligations under section 26 of the Constitution.

(b) To facilitate such engagement, the Municipality must proactively seek the participation of the applicants, including those amongst the fourth and further applicants. The Municipality may choose measures that facilitate engagement, but those measures must reasonably enable the applicants to participate meaningfully in the processes of engagement. Adopting and modifying the order of the High Court to ensure adequate notice under section 4(2) of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998, such measures may include:

i) assigning an identification feature on existing complete and incomplete structures in Extensions 21 and 25 Kinross and on the farm Zondagskraal 125 IS, Kinross;

ii) affixing notice to such structures that informs occupiers of engagement forums, invites their participation and provides enough time between the date of the notice and the date of the event so that the occupiers have a reasonable opportunity to participate;

iii) erecting five notice boards in common areas in Extensions 21 and 25 Kinross and the farm Zondagskraal 125 IS, Kinross, respectively and affixing notice described in 3(b)(ii) to the notice boards; and

iv) distributing pamphlets containing notice described in 3(b)(ii) in English and in two other languages spoken by persons occupying Extensions 21 and 25 Kinross and the farm Zondagskraal 125 IS, Kinross.

(c) Meaningful engagement must occur as soon as possible.

(d) Should a resolution not be reached, and should the Municipality again seek to evict the applicants, compliance with this order will be relevant to whether the Municipality

fulfilled its obligations under the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998.

(e) The applicant is ordered to pay the respondents' costs."

2. That the Municipal Manager **ENSURE** that the order from the Constitutional Court is implemented in full and that weekly progress reports on said implementation **BE TABLED** to the Executive Mayor.

A93/11/2016

COMMUNICATION STRATEGY REVIEW

(ZLM)

(7/2/2/P)

RESOLVED

1. That the reviewed Communication Strategy, as contained in the Council meeting agenda dated 2 December 2016, **BE APPROVED**, subject to the following amendments:
 - That the political parties reflected under clause 5.4 be corrected;
 - That the names of the departments as listed under the clause 12 be corrected;
 - That an event for the elderly to celebrate Christmas be included in the action plan under clause 12; and
 - That the action plan under clause 12 be updated.

2. That a workshop **BE ARRANGED** for all councillors on the Communication Strategy.

A94/11/2016

REVIEWED RECRUITMENT & SELECTION POLICY

(ZLM)

(5/4/B)

RESOLVED

1. That the reviewed Recruitment and Selection Policy, as contained in the Council meeting agenda dated 2 December 2016, **BE APPROVED**, subject to the inclusion that artisans must be tested before their appointment.
2. That a workshop **BE ARRANGED** for all councillors on the reviewed Recruitment and Selection Policy.

A95/11/2016

DRAFT BUSINESS BY-LAW

(NSW)

(15/1/P)

RESOLVED

1. That the Draft Business By-Law, as contained in the Council meeting agenda dated 2 December 2016, **BE APPROVED** for public participation.
2. That once the public participation process has been concluded and the submissions have been incorporated into the draft by-law where possible, the Draft Business By-Law **BE RESUBMITTED** to Council for final approval.
3. That a two day workshop **BE ARRANGED** for all councillors on all by-laws before the end of February 2017.
4. That the above-mentioned workshop **INCLUDE** information on the land audit.

A96/11/2016

2017/2022 INTEGRATED DEVELOPMENT PLAN CONSULTATION REPORT

(NSW)

(6/1/1-16/17)

RESOLVED

1. That it **BE ACKNOWLEDGED** that the 2017-2022 IDP & Budget Process Plan was approved by Council through resolution A75/08/2016 and the purpose thereof was to determine the activities and strategies in order to develop the 2017 – 2022 five year IDP and the budget for 2017/2018 financial year and the two outer years.
2. That it **BE ACKNOWLEDGED** that in compliance with the approved 2017-2022 IDP & Budget Process Plan public meetings were held between the 13th and 23rd of November 2016 through which the community was engaged to ensure the collective development of the 2017/2022 IDP and the equitable distribution of projects to all communities.
3. That the needs and priorities identified through the IDP public participation process **BE CONSIDERED** at the workshop where Council will finalize the IDP before it is finally adopted in May 2017.
4. That public participation meetings again **BE ARRANGED** for Wards 1, 15 and 28.

A97/11/2016

NATIONAL HOUSING NEEDS REGISTER (NHNR)

(NSW)

(18/5/2/4)

RESOLVED

1. That the Housing Needs Register as consolidated by the Mpumalanga Department of Human Settlements and as contained in the Council meeting agenda dated 2 December 2016, **BE APPROVED**.
2. That the Housing Needs Register continually **BE UPDATED** in line with the review of the Housing Sector Plan.
3. That the Housing Needs Register **BE PUBLISHED** on the municipality's website.
4. That Ward Councillors **SUBMIT** ward profiles to the Office of the Executive Mayor in order to determine the criteria on which to do the housing allocations.
5. That a housing allocation programme **BE DEVELOPED**.
6. That a workshop **BE ARRANGED** for all councillors on the Housing Needs Register.

A98/11/2016

URBAN DESIGN PLANS FOR eMZINONI, eMBALENHLE and LEBOHANG

(NSW)

(8/3/2-3,4,5/2013)

RESOLVED

1. That urban design plans for eMzinoni, eMbalenhle and Lebohang, as contained in the Council meeting agenda dated 2 December 2016, **BE APPROVED**.
2. That the priority projects listed in the report **BE INCLUDED** in the 2017/2022 Integrated Development Plan as unfunded projects.

A99/11/2016

FILLING OF PR VACANCY IN COUNCIL: DEMOCRATIC ALLIANCE

(NGZ)

(5/3/2)

RESOLVED

That it **BE ACKNOWLEDGED** that Mr. Thulani Moses Maseko, being the candidate at the top of the party list of the DA, has been duly elected as prescribed in Item 18 of Scheduled 1 of the Local Government Municipal Structures Act, Act 117 of 1998, into the PR vacancy left by the resignation of Councillor PR Bosch.

A100/11/2016

ESTABLISHMENT OF THE COMMUNITY WORKS PROGRAMME (CWP) LOCAL REFERENCE COMMITTEE FOR GOVAN MBEKI MUNICIPALITY SITE

(BS)

(4/3/2/17/29)

RESOLVED

1. That the Community Works Implementation Manual, as contained in the Council meeting agenda dated 2 December 2016, **BE ADOPTED**.
2. That a Local Reference Committee **BE CONSTITUTED** to give political oversight on the implementation of the Community Works Programme and that the following councillors be nominated to serve on the committee:

Mtsweni TP
Masuku PIP
Mbokazi AV
Swart EP
Zulu TS
Von Widdern TDC
3. That the Terms of Reference of the Local Reference Committee, as contained in the Council meeting agenda dated 2 December 2016, **BE APPROVED**.

REPORT ON THE ESTABLISHMENT OF WARD COMMITTEES

(NGZ)

(3/3/1)

RESOLVED

1. That it **BE ACKNOWLEDGED** that the election of Ward Committees were held between the 26th of September 2016 and the 21st of October 2016.
2. That it **BE ACKNOWLEDGED** that a number of objections were received during and after the establishment of ward committees.
3. That the Councillors who breached the Code of Conduct for Councillors during the ward committee elections **BE SUMMONED** to appear before the Rules Committee.
4. That resolution A69/10/2014, that approved a stipend of R1000-00 per member, per month, for ward committee members (in terms of Section 73(5) (c) of the Local Government: Municipal Structures Act, Act 117 of 1998, as amended) for their out of pocket expenses in the participation in ward committees **BE REAFFIRMED**.
5. That the ward committees that passed the screening processes **BE REMUNERATED** accordingly from the 1st of December 2016.
6. That it **BE ACKNOWLEDGED** that a Dispute Resolution Committee, as a sub-committee of the Public Participation Committee, was established solely to deal with the objections received.
7. That the disputes received **BE DISMISSED** and that the objectors be informed accordingly.
8. That it **BE ACKNOWLEDGED** that the screening process of the elected ward committee members has revealed that some of the elected ward committee members are not registered voters residing in the ward where elected.
9. That where elected ward committee member(s) is/are **DISQUALIFIED** because of non-compliance with the screening criteria set out in the Provincial Guidelines on the Election of Ward Committee, the remaining members of the ward committee may co-opt not more than three members.
10. That the disqualified elected ward committee members **BE INFORMED** accordingly.