

RESOLUTIONS ORIGINATING FROM THE REPORTS OF THE EXECUTIVE MAYOR IN TERMS OF NON-DELEGATED POWERS. MEETING HELD ON TUESDAY 30 JANUARY 2018

A02/01/2018

2016/2017 ANNUAL REPORT

(NSW)

(10/1/1)

RESOLVED

1. That it **BE ACKNOWLEDGED** that the 2016/2017 Annual Report for the financial year ending 30 June 2017, was prepared and submitted as contemplated in Section 46 of the Local Government: Municipal Systems Act, Act 32 of 2000, read with Chapter 12 of the Local Government: Municipal Finance Management Act, Act 56 of 2003.
2. That the 2016/2017 Annual Report **BE APPROVED** for public comments in terms of Sections 21(a) and (b) of the Local Government: Municipal Systems Act, Act 32 of 2000, read with Section 127(5)(a)(i) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.
3. That notices for the invitation of comments **BE PUBLISHED** in the local press, on the municipal website and notice boards and that copies of the 2017/2017 Annual Report **BE MADE AVAILABLE** on the municipal website and at all libraries within the jurisdiction of the municipality.
4. That it **BE ACKNOWLEDGED** that the public was informed of the Council meeting wherein this report was considered, through notices on the various municipal notice boards, in compliance with Section 130 of the Local Government: Municipal Finance Management Act, Act 56 of 2003.
5. That in future notices of the meeting where the annual report will be consider **BE PUBLISHED** in the local press and on the municipal website.
6. That it **BE ACKNOWLEDGED** that the closing date for the submission of public comments on the 2016/2017 Annual Report is the 24th of February 2018.
7. That the 2016/2017 Annual Report, together with a resolution of the Audit Committee, representations made by the public and the inputs from councillors **BE REFERRED** to the Municipal Public Accounts Committee for scrutiny.
8. That once the Municipal Public Accounts Committee has finalized the detailed analysis and review of the annual report, the committee is to **DRAFT** an Oversight Report to **BE TABLED** before Council on the 27th of March 2018 for adoption in terms of Section 129 of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

A03/01/2018

MUNICIPAL INFRASTRUCTURE GRANT – 2017/2018 PROJECT LIST ADJUSTMENT

(BMM)

(6/1/1-2017/2018)

RESOLVED

1. That the amended Municipal Infrastructure Grant (MIG) project list and the proposed budgets for the 2017/2018 financial year **BE APPROVED** as follows:

Ward	Description	Proposed Budget/R	Motivation
1	Refurbishment of Leandra WWTW and sewer pump stations	7 000 000	The main pump station in Lebohang need to be refurbished and upgraded. The project is in evaluation stage.
9	Refurbishment of eMbalenhle WWTW	1 510 394	Final payment
16	Construction of sanitation infrastructure in Kinross Ext 25	10 000 000	The project has been advertised and is at adjudication stage for procurement of contractor
23	Conversion of VIP toilets and water connection in eMzinoni	8 000 000	Project to convert VIP toilets to waterborne system (phase 4). The project is in evaluation stage.
22,24	Upgrade pump station in eMzinoni	6 000 000	Appointment done on Regulation 32 to fast track implementation.
22,23	Eradication of gravel roads in eMzinoni	8 000 000	Appointment done on Regulation 32 to fast track implementation.
12,14	Eradication of gravel roads in eMbalenhle	6 285 606	Appointment done on Regulation 32 to fast track implementation.
12,14	Upgrading of sewer reticulation network in eMbalenhle Ext 18	5 000 000	Upgrading and repair of sewer outfall line and manholes.
26	Bulk water supply in eMzinoni	7 000 000	Provision of bulk storage (reservoir) and water bulk lines in eMzinoni, Ext 11
		58 796 000	

2. That the Municipal Manager, through Section 32 of the Division of Revenue Act, Act 2 of 2013, **APPOINT** service providers to fast track the upgrading of the pump station in eMzinoni and the eradication of gravel roads in eMbalenhle and eMzinoni.
3. That the projects as listed in point one must **BE COMPLETED** by the 30th of June 2018, failing which the Municipal Manager is to implement disciplinary procedures against the relevant officials.
4. That the Mayoral Committee is to continuously **MONITOR** the implementation of the projects.

A04/01/2018

REVIEW: AUDIT COMMITTEE CHARTER

(BMM)

(4/3/2/17/17)

RESOLVED

That the reviewed Audit Committee Charter, as contained in the Council meeting agenda dated 30 January 2018, **BE REFERRED BACK** for further amendment.

A05/01/2018

**2017/2018 FIRST QUARTER REPORT ON THE IMPLEMENTATION OF RESOLUTIONS:
JULY TO AUGUST 2017**

(BMM)

(4/1/4/2)

RESOLVED

1. That the report on the implementation of resolutions passed during the first quarter of the 2017/2018 financial year, July to August 2017, **BE ACKNOWLEDGED**.
2. That the land audit report, as requested through resolutions A95/11/2016, **BE TABLED** at the Council meeting scheduled for 27 February 2018.

A06/01/2018

2017/18 MID-YEAR BUDGET AND FINANCIAL PERFORMANCE ASSESSMENT REPORT FOR THE PERIOD ENDING 31 DECEMBER 2017

(BBS)

(6/1/1-2017/2018)

In terms of the provisions of Section 24(1)(d) of the Standing Orders Councillor TM Denny moved for the adjournment of the meeting motivated by the fact that the 2017/2018 Mid-year Financial Assessment Report is not credible.

In terms of the provision of Section 24(2)(5) of the Standing Orders Councillor MD Nhlapo moved for the exclusion of the proposal.

In terms of the provision of Section 24(2)(7) of the Standing Orders the Speaker put the matter to the vote in accordance with the provisions of Section 28 and the proposal was excluded with a majority of 39 against 10.

In terms of the provision of Section 22(6) of the Standing Orders the DA requested that their objection to this decision be minuted and staged a walk out in protest to the consideration of the report.

The meeting proceeded and it was:

RESOLVED

1. That it **BE ACKNOWLEDGED** that due to numerous problems experienced with the Phoenix Financial Management System the municipality has since terminated the services of Vesta Technical Services (Pty.) Ltd. on the 7th of December 2017, and that they intend to institute legal proceedings against the municipality over the termination of their services.
2. That the inaccuracy of the mid-year financial performance report **BE ACKNOWLEDGED** and that it is due to the failed system implementation project by Vesta Technical Service (Pty.) Ltd., and which, if not resolved, will have a negative impact on the adjustment budget, draft budget, final budget and the annual financial statements.
3. That it **BE ACKNOWLEDGED** that a Steering Committee has been established to fast-track the process of acquiring a new financial management system in line with the transversal tender from the National Treasury.
4. That the 2017/2018 Mid-year Financial Assessment Report for the period ending 31 December 2017 (as contained in the Mayoral Committee meeting agenda dated 25 January 2018) **BE ACKNOWLEDGED** and **ADOPTED** as tabled in terms of Section 72 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, read with Section 54 of same.
5. That the approved 2017/2018 Budget **BE ADJUSTED** to shift funds between votes to fund prioritized projects and to pay creditors.
6. That a copy of the 2017/2018 Mid-year Financial Assessment Report **BE SUBMITTED** to the Provincial and National Treasury and **BE PLACED** on the municipal website within five

working days from the 30th of January 2018 in compliance with Section 72(1)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

7. That a Political Budget Steering Committee **BE CONSTITUTED** to determine protocols to address the deficiencies of the financial management system and the municipality's poor financial position.

A07/01/2018

2017/2018 FINANCIAL PERFORMANCE REPORT FOR THE SECOND QUARTER ENDED 31 DECEMBER 2017

(BBS)

(6/1/1-2017/2018)

RESOLVED

1. That the 2017/2018 Financial Performance Report for the second quarter ending 31 December 2017, as contained in the Council meeting agenda dated 30 January 2018, and submitted in terms of Sections 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 the deviations from the Supply Chain Management Regulations in the amount of R925 686, as contained in ANNEXURE B of the quarterly report, **BE ACKNOWLEDGED** and **BE DISCLOSED** as a note to the Annual Financial Statements as prescribed in Section 36(2) of the Local Government: Municipal Finance Management Act, Act 56 of 2003, and the Supply Chain Management Policy.
3. That purchases above R100 000-00 for the quarter ending 31 December 2017 **BE ACKNOWLEDGED**.
4. That it **BE ACKNOWLEDGED** that as a result of the late payment of creditors, fruitless and wasteful expenditure in the amount of R21 658 592 (interest and penalties) has been incurred and will be reported in terms of the requirements of the Local Government: Municipal Finance Management Act, Act 56 of 2003.
5. That it **BE ACKNOWLEDGED** that tenders awarded amounted to R40 067 480 for the quarter ending 31 December 2017.
6. 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.
7. That the 2017/2018 Financial Performance Report for the second quarter ending 31 December 2017 **BE REFERRED** to the Municipal Public Accounts Committee for scrutiny.

A08/01/2018

BUSINESS BY-LAW

(NSW)

(15/1/P)

RESOLVED

1. That it **BE ACKNOWLEDGED** that the public participation process on the Draft Business By-law has been concluded in compliance with resolution A95/11/2016.
2. That the Business By-law, as contained in the Council meeting agenda dated 30 January 2018, **BE APPROVED** and **BE PROMULGATED**.
3. That the Department Planning & Development **IMPLEMENT** the Business By-law.
4. That the Department Planning & Development **PROVIDE** sufficient demarcated areas for informal traders in all towns.
5. That the Department Planning & Development **CONTINUOUSLY SOLICIT** funding for the provision of necessary infrastructure for informal trading.
6. That a workshop **BE ARRANGED** for all councillors on the Business By-law.

A09/01/2018

DRAFT DEVELOPMENT INVESTMENT INCENTIVES POLICY

(NSW)

(6/5/P)

RESOLVED

That the Draft Development Investment Incentives Policy, as contained in the Council meeting agenda dated 30 January 2018, **BE REFERRED BACK** for further deliberation by all the Portfolio Committees.

A10/01/2018

DONATION OF MOVABLE ASSETS TO SMME'S AND CO-OPERATIVES

(NSW)

(7/1/1)

RESOLVED

That this report **BE REFERRED BACK** for further deliberation.

A11/01/2018

MUNICIPAL INFRASTRUCTURE IMPLEMENTATION PLAN

(MHM)

(6/5/5)

RESOLVED

That this report **BE REFERRED BACK** for further deliberation.

A12/01/2018

2017/2018 MID-YEAR PERFORMANCE ASSESSMENT REPORT

(NSW)

(5/2/1/7)

RESOLVED

1. That the 2017/2018 Mid-year Performance Evaluation Report for the period ending 31 December 2017, as contained in the Council meeting agenda dated 30 January 2018, **BE ACKNOWLEDGED**.
2. That it **BE ACKNOWLEDGED** that any changes to the approved budget during the budget adjustment will necessitate an amendment to the approved SDBIP and the SDBIP will have to be aligned with the adjusted budget.
3. That a copy of the 2017/2018 Mid-year Performance Assessment Report **BE SUBMITTED** to the Provincial and National Treasury and **BE PLACED** on the municipal website within five working days from the 30th of January 2018 in compliance with Section 72(1)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

**RESOLUTION ORGINATING FROM THE REPORT OF THE SPEAKER IN TERMS OF
NON-DELEGATED POWERS. MEETING HELD ON TUESDAY 30 JANUARY 2018**

A13/01/2018

PR VACANCY IN COUNCIL: DA

(NGZ)

(3/2/1)

RESOLVED

1. That it **BE ACKNOWLEDGED** that a PR vacancy occurred in Council following the resignation of Councillor TDC Von Widdern (representing the DA) on the 24th of November 2017.
2. That it **BE ACKNOWLEDGED** that the result of the election is awaited from the IEC and once received a report on thereon will be tabled to Council.

**RESOLUTIONS OF THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS.
MEETING HELD ON TUESDAY 30 JANUARY 2018**

B01/01/2018

APPOINTMENT OF AUDIT COMMITTEE MEMBERS

(BMM)

(13/3/16)

RESOLVED

That the appointment of two new Audit Committee members **BE REFERRED BACK** for further deliberation.

B02/01/2018

LOCAL ECONOMIC DEVELOPMENT FORUM: TERMS OF REFERENCE FIRST AMENDMENT

(NSW)

(4/3/1)

RESOLVED

That Local Economic Development Forum Terms of Reference First Amendment, as contained in the Mayoral Committee meeting agenda dated 25 January 2018, **BE REFERRED BACK** for further deliberation.

RESOLUTION ORGINATING FROM THE REPORT OF THE EXECUTIVE MAYOR IN TERMS OF NON-DELEGATED POWERS. MEETING HELD ON TUESDAY 30 JANUARY 2018

CA01/01/2018

RESIGNATION OF REGIONAL MANAGER: ME MICHELE

(BMM)

(5/3/3/1)

RESOLVED

1. That it **BE ACKNOWLEDGED** that the Regional Manager for Region 2 (Evander, Kinross, Leandra, Lebohang, Secunda and Trichardt), Mr. ME Michele, has resigned with effect from the 19th of January 2018.
2. That it **BE ACKNOWLEDGED** that in terms of the Organizational Structure approved through point three of resolution A52/05/2017, the positions of Regional Managers revert to the level of Deputy Directors (post level 2) once an exit occurs.
3. That it **BE ACKNOWLEDGED** that the authority to fill this vacancy is vested in the Municipal Manager in terms of Delegation No. N30 and N148 as contained in the Delegation of Authorities Document: Fourth Amendment, approved through resolution A37/05/2016.