

CONFIDENTIAL

AGENDA
for a
SPECIAL MEETING

**MANGAUNG
METROPOLITAN
MUNICIPAL COUNCIL**

**COUNCIL CHAMBERS
FIRST FLOOR
BRAM FISCHER BUILDING
BLOEMFONTEIN**

**WEDNESDAY
DECEMBER 14, 2016
AT 10:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**



MANGAUNG METROPOLITAN MUNICIPALITY**Bram Fischer Building
BLOEMFONTEIN****DECEMBER 1, 2016****ALL MEMBERS OF THE METROPOLITAN MUNICIPAL COUNCIL OF THE
MANGAUNG METROPOLITAN MUNICIPALITY**

Ladies and gentlemen

Notice is hereby given in terms of the provisions of
Section 29(2) of the Local Government:
Municipal Structures Act, 1998 (Act No 117 of 1998) and
Rule 5.1 of the Council's Standing Rules and Orders that

special meeting of the**MANGAUNG METROPOLITAN MUNICIPAL COUNCIL****will be held in the****COUNCIL CHAMBER
FIRST FLOOR
BRAM FISCHER BUILDING
BLOEMFONTEIN****On****WEDNESDAY, DECEMBER 14, 2016****at 10:00**

To consider the items as set out in this agenda.


.....
**ACTING CITY MANAGER
ADVOCATE TB MEA**
.....
**SPEAKER
COUNCILLOR MA SIYONZANA**

Note by Secretariat**1. Attendance Register:**

Every member attending a meeting shall sign his/her name in the attendance register kept for this purpose before the commencement of the meeting.

2. Leave Register:

In order to streamline administrative processes Councillors are friendly requested to submit applications for leave of absence in the appropriate register kept for this purpose. Members are requested to fill in this register 12 hours before the commencement of the meeting (Rule 22.2) (Yellow Form).

3. Name-plates:

Councillors are friendly requested to please take along their name-plates and to display it throughout the meeting.

4. Apologies during the course of the Council meeting:

Councillors are friendly requested to complete in full and submit the relevant apology form for this purpose (Yellow Form).

5. Code of Conduct:

Councillors are reminded of item 3, Schedule 1 of the Code of Conduct for Councillors which reads as follows, namely:

Attendance at Meetings: A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when:

- (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or
- (b) that councillor is required in terms of this Code to withdraw from the meeting.

6. Meeting rules:

- i. All Councillors must arrive at **least 15 minutes before the commencement** of the Council and all other Committee meetings;
- ii. Cellular phones **must be in silent mode** and **speaking on a cellular phone during the meeting is prohibited**; (Rule 50.2a)
- iii. A Councillor who speaks must **confine his or her speech strictly to the matter under discussion**; (Rule 31)
- iv. Unless expressly otherwise determined, a Councillor **may speak only once on a matter**; (Rule 32)
- v. No speech shall exceed **five (5) minutes** in length without the consent of the Speaker. (Rule 34.1)

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AGENDA

(OPEN COUNCIL)

**43.
OPENING**

**44.
NOTICE OF THE MEETING**

**45.
APPLICATIONS FOR LEAVE OF ABSENCE**

**46.
ACCEPTANCE OF THE AGENDA**

**47.
DECLARATION OF INTEREST**

48

REPORTS OF THE EXECUTIVE MAYOR**48.1****MUNICIPAL FINANCE MANAGEMENT ACT (MFMA): BUDGET AND PERFORMANCE ASSESSMENT REPORT IN TERMS OF THE MFMA, SECTION 52(D), FOR THE QUARTER ENDED 30 SEPTEMBER 2016**

Annexure: Report dated October 26, 2016 received from the Chief Financial Officer. (Volume 1: Pages 1 – 72)

RECOMMENDATION

- (a) That the Accounting Officer submits to the Executive Mayor this statement reflecting the implementation of the budget and the financial state of affairs of the municipality for the quarter ending March 31, 2016 and
- (b) That, in order to comply with Section 71(4) of the MFMA, the Accounting Officer ensure that this statement be submitted to National Treasury and the Provincial Treasury, in both a signed document format and in electronic format.

48.2**FOURTH QUARTER 2015/2016 AND FIRST QUARTER 2016/2017 FINANCIAL YEARS REPORTS ON SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)**

Annexure: Report dated November 21, 2016 received from the Acting City Manager. (Volume 1: Pages A₁ – 58) and (Pages 1 – 92)

RECOMMENDATION

- (a) That the 2015/2016 fourth quarter SDBIP report for the quarter ending June 30, 2016 be considered and approved and
- (b) That the 2016/2017 first quarter SDBIP report for the quarter ending September 2016 be considered and approved.

48.3**UNSOLICITED BID: PROPOSAL BY THE FREE STATE TAXI ASSOCIATION (PTY) LTD, A BUSINESS ENTITY OF THE GREATER BLOEMFONTEIN TAXI ASSOCIATION (GBTA) TO LEASE THE MANGAUNG INTERMODAL TRANSPORT FACILITY FOR A LONG TERM**

Annexure: Report dated October 4, 2016 received from the HOD: Human Settlements, recommended by the Acting City Manager. (Volume 2: Pages 1 – 8)

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipal Council take note of the unsolicited bid received from the Free State Taxi association, a business entity of the Greater Bloemfontein Taxi Association to lease the Mangaung Intermodal Transport Facility for a long term period;
- (b) That the Mangaung Metropolitan Municipal Council also take note that Russell Square part of Mangaung Intermodal Transport Facility is a replacement capital asset with a value in the excess of R 10 million and as such a capital asset of "HIGH VALUE" as defined in the Local Government: Municipal Asset Transfer Regulation, 2008;
- (c) That both Local Government: Municipal Supply Chain management regulation, 2005 and the Local Government: Municipal Asset Transfer Regulation, 2008 prescribe peremptory processes that must be followed by a municipality when considering unsolicited bids and the granting of a right to a private person or entity to use, control and manage an asset of "HIGH VALUE" for a long term period;
- (d) That the Mangaung Metropolitan Municipal Council authorise the Acting City Manager as the accounting officer of the Mangaung Metropolitan Municipality to solicit public comments as well as comments from other interested parties, National and Provincial Treasury, in compliance with Section 113 of the Local Government: Municipal Systems Act, Act 56 of 2003, read together with Section 21A of the Local Government: Municipal Systems Act, Act 32 of 2000 and regulation 37 of the Local Government: Municipal Supply Chain Management Regulations of 2005, to consider an unsolicited bid received from the Free State Taxi Association, a business entity of Greater Bloemfontein Taxi Association to lease the Mangaung Intermodal Transport Facility for a long term period as well as Regulations 34, 35, 36 and 37 of the Local Government: Municipal Asset Transfer Regulation, 2008 read together with Section 21A of the Local Government: Municipal Systems Act, Act 32 of 2000 to conduct a public participation process in connection with granting of a long term right to a private institution to use, control and manage a capital asset of "HIGH VALUE" belonging to a municipality as defined in the Asset Transfer Regulation, 2008;
- (e) That the Bastion Square part of the Mangaung Intermodal Transport Facility be excluded from the proposed arrangement between the Mangaung Metropolitan Municipality and the Free State Taxi Association;
- (f) That both the processes as prescribed by the Local Government: Municipal Supply Chain Management Regulations of 2005, and the Local Government: Municipal Asset Transfer Regulation, 2008 should run concurrently to safe time;

- (g) That upon receipt of both necessary comments in terms of the Local Government: Municipal Supply Chain Management Regulations of 2005, as well as the Local Government: Municipal Asset Transfer Regulation, 2008, a follow up report be tabled before Council to consider the approval in principle to grant the Free State Taxi Association to use control and manage the Mangaung Intermodal Transport Facility for a long term period not exceeding thirty (30) years, an option which shall be exercised six (6) months prior to the expiry date and
- (h) That all other matters relevant to the conclusion of the lease agreement, the rental amount and conditions thereof be dealt with when the Mangaung Metropolitan Municipal Council considers an approval in principle and after all the processes referred to under (e) above have been concluded.

48.4

PROGRESS REPORT ON THE IMPLEMENTATION OF COUNCIL RESOLUTION ON THE ESTABLISHMENT OF THE MUNICIPAL POLICE SERVICE WITHIN THE JURISDICTION OF MANGAUNG METROPOLITAN MUNICIPALITY

Annexure: Report dated December 8, 2016 received from the Acting City Manager and recommended for approval by the Acting Executive Mayor. (Volume 2: Pages 1 – 10)

RECOMMENDATION

- (a) That Council note the progress in the application of Municipal Police Services and
- (b) That Council note the needed complementary process of amendment of macro-structure, by-law consolidation and applications for establishment vehicle testing centre and municipal court.

48.5

AMENDMENT OF MACRO STRUCTURE FOR ESTABLISHMENT OF METRO POLICE TO ENHANCE AND IMPROVE SERVICE DELIVERY

Annexure: Report dated December 8, 2016 received from the Acting City Manager and recommended for approval by the Acting Executive Mayor. (Volume 2: Pages 1 – 3)

RECOMMENDATION

- (a) That the Council approve the amendment of the macro structure to provide for the establishment of the Municipal Police Service Department;
- (b) That Council approve the amendment of the macro structure to provide for the establishment of the position Executive Head of Municipal Police Service;
- (c) That the recruitment and appointment of the Executive Head of Municipal Police Service be handled in line with the Regulation on the Appointment of and Conditions of Service of Senior Managers.

48.6**REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY
QUARTER ENDING SEPTEMBER 2016**

Annexure: Report dated September 30, 2016 received from the Directorate: Finance.
(Volume 2: Pages 1 – 15)

RECOMMENDATION that Council takes note of the report on the implementation of the Supply Chain Management policy for the first quarter ending 30 September 2016.

48.7**DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF
COUNCILLORS**

Annexure: Report dated December 8, 2016 received from the Acting City Manager and recommended for approval by the Acting Executive Mayor. (Volume 2: Pages 1 – 2)

RECOMMENDATION

- (a) That the Council mandate the Executive Mayor and the Municipal Manager to proceed with the implementation of the determination of upper limits of salaries, allowances and benefits of Councillors as gazetted by the National Minister and in concurrence granted by the MEC for Cooperative Governance and Traditional Affairs;
- (b) That the Council note that Sufficient budgetary provisions had been made in the Mangaung Metropolitan Municipal Council budget for the 2016/2017 financial year for payment of the salaries, allowances and benefits of Councillors and
- (c) That feedback relating to the determination of upper limits of salaries, allowances and benefits of Councillors, be provided in the next meeting of the Mangaung Metropolitan Municipal Council.

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REPORTS FROM MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)**49.1****ANNUAL WORK PLAN OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

Annexure: Report dated November 30, 2016 received from the Chairperson of MPAC. (Volume 2: Pages 1 – 6)

RECOMMENDATION that the Council approve the proposed MPAC work plan for 2016/2017 financial year.

50

REPORTS: IN COMMITTEE**50.1****COMPLIANCE TO THE MFMA: MUNICIPAL REGULATION ON MINIMUM COMPETENCY (GOVERNMENT GAZETTE 29967)**

The report will be availed at the meeting.

50.2**APPOINTMENT OF CHAIRPERSON AUDIT COMMITTEE**

The report will be availed at the meeting.

50.3**APPOINTMENT OF CENTLEC BOARD**

The report will be availed at the meeting.

51.**NOTICE OF MOTION**

52.
QUESTIONS IN TERMS OF RULE 38 OF THE STANDING RULES AND ORDERS
(Volume 3)

1. Annexure: Response dated September 8, 2016 received from the Acting City Manager to questions raised by **Councillor D Leech** from a letter dated September 2, 2016 with regard to **illegal usage of residential erf situated at 27 Boerneef Street, Langenhoven Park.**
(Pages 1 – 5)
2. Annexure: Response dated September 8, 2016 received from the Acting City Manager to questions raised by **Councillor GG Lebitsa** from a letter dated September 2, 2016 with regard to **Status of pound in Mangaung Metropolitan Municipality.** (Pages 1 – 2)
3. Annexure: Response dated September 16, 2016 received from the Acting City Manager to questions raised by **Councillor FR Botes** from a letter dated August 24, 2016 with regard to **Contractors appointed during the 1st of July 2015 to 30th June 2016 by Mangaung Metropolitan Municipality.** (Pages 1 – 8)
4. Annexure: Response dated September 16, 2016 received from the Acting City Manager to questions raised by **Councillor GDP Kotze** from a letter dated September 5, 2016 with regard to **Event held at Mahungra car Wash on the 3rd of September 2016.** (Pages 1 – 3)
5. Annexure: Response dated September 16, 2016 received from the Acting City Manager to questions raised by **Councillor GDP Kotze** from a letter dated September 5, 2016 with regard to **Memorium Cemetery maintenance.** (Pages 1 – 3)
6. Annexure: Response dated September 16, 2016 received from the Acting City Manager to questions raised by **Councillor TI Ferreira** from a letter dated September 2, 2016 with regard to **Zoo and matters related to relocation to Kwaggafontein.** (Pages 1 – 2)
7. Annexure: Response dated September 25, 2016 received from the Acting City Manager to questions raised by **Councillor S Pretorius** from a letter dated September 2, 2016 with regard to **Disclosure of qualifications of all members of the Mayoral Committee.** (Page 1)
8. Annexure: Response dated September 25, 2016 received from the Acting City Manager to questions raised by **Councillor LE Rasoeu** from a letter dated September 2, 2016 with regard to **Remuneration of the staff component.** (Pages 1 – 4)
9. Annexure: Response dated September 29, 2016 received from the Acting City Manager to questions raised by **Councillor T van der Walt** from a letter dated September 2, 2016 with regard to **Complete list of tenders and contractors in Mangaung Metropolitan Municipality.**
(Pages 1 – 17)
10. Annexure: Response dated November 21, 2016 received from the Acting City Manager to questions raised by **Councillor AP Terblanche** from a letter dated November 10, 2016 with regard to **Alleged misuse of SALGA vehicles.** (Page 1)

11. Annexure: Response dated October 21, 2016 received from the Acting City Manager to questions raised by **Councillor FR Botes** from a letter dated September 2, 2016 with regard to **Problems with refuse collection in Ward 25.** (Pages 1 – 2)
12. Annexure: Response dated November 11, 2016 received from the Acting City Manager to questions raised by **Councillor JM De Bruin** from a letter dated October 19, 2016 with regard to **Municipality and contractors meter readers.** (Pages 1 – 2)
13. Annexure: Response dated November 11, 2016 received from the Acting City Manager to questions raised by **Councillor DMC McKay** from a letter dated October 15, 2016 with regard to **Illegal dumping and pile of refuse around Lourierpark.** (Pages 1 – 2)
14. Annexure: Response dated November 21, 2016 received from the Acting City Manager to questions raised by **Councillor D Leech** from a letter dated October 27, 2016 with regard to **Student house regulations within Mangaung Metropolitan Municipality.** (Pages 1 – 2)
15. Annexure: Response dated November 21, 2016 received from the Acting City Manager to questions raised by **Councillor D Leech** from a letter dated November 2, 2016 with regard to **Steel structure remainder of Erf 62 Langenhoven Park, 25A Boerneef Street.** (Pages 1 – 2)
16. Annexure: Response dated October 21, 2016 received from the Acting City Manager to questions raised by **Councillor R van der Merwe** from a letter dated October 10, 2016 with regard to **Damage to lampposts' and robots in Mangaung Metropolitan Municipality.** (Pages 1 – 2)
17. Annexure: Response dated November 24, 2016 received from the Acting City Manager to questions raised by **Councillor D Leech** from a letter dated November 2, 2016 with regard to **Stormwater drain at 4 Sangiro Street Langenhovenpark.** (Pages 1 – 2)
18. Annexure: Response dated November 21, 2016 received from the Acting City Manager to questions raised by **Councillor TD Masoeu** from a letter dated November 21, 2016 with regard to **Appointments in the Office of the Speaker.** (Pages 1 – 2)
19. Annexure: Response dated September 12, 2016 received from the Acting City Manager to questions raised by **Councillor BJ Viviers** from a letter dated September 12, 2016 with regard to **Office equipment procured for the last twelve months.** (Pages 1 – 3)
20. Annexure: Response dated November 24, 2016 received from the Acting City Manager to questions raised by **Councillor GG Lebitsa** from a letter dated November 1, 2016 with regard to **Occupation of Douglas Street and Peet Avenue by taxis in the CBD.** (Pages 1 – 2)
21. Annexure: Response dated November 21, 2016 received from the Acting City Manager to questions raised by **Councillor T van der Walt** from a letter dated October 18, 2016 with regard to **Rezoning of erven 9027, 9028, R/9044, 9046 and 21418, Ext 55 Universitas.** (Pages 1 – 10)

22. Annexure: Response dated November 11, 2016 received from the Acting City Manager to questions raised by **Councillor DMC McKay** from a letter dated October 15, 2016 with regard to **Sewerage system in Fauna**. (Pages 1 – 2)
23. Annexure: Response dated November 21, 2016 received from the Acting City Manager to questions raised by **Councillor JM De Bruin** from a letter dated November 21, 2016 with regard to **EIA and housing matters in the Gatvol settlement in Heidedal**. (Page 1)
24. Annexure: Response dated December 2, 2016 received from the Acting City Manager to questions raised by **Councillor R van der Merwe** from a letter dated October 26, 2016 with regard to **Speed humps in front of Brebner High School (Gascony Street)**. (Pages 1 – 2)
25. Annexure: Response dated November 28, 2016 received from the Acting City Manager to questions raised by **Councillor JM De Bruin** from a letter dated October 26, 2016 with regard to **Stormwater and sewerage systems in Pine Haven**). (Pages 1 – 2)

53.
CLOSING OF AN ORDINARY COUNCIL MEETING

MS R MAMATELA
SECRETARIAT UNIT