

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND ELEVENTH (111th) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 14 JULY 2016 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

PRESENT

Councillors

BALOYI, R S
 CHILILO, N F
 DAVHANA, N D
 DU PLOOY, A
 HLUNGWANI, K A
 KUTAMA, N
 LUDERE, R
 LUDUVHUNGU, V S
 MACHETE, M S
 MADZHIGA, F N
 MAGADA, M R
 MAHANI, M G
 MAHLADISA, S V
 MAKHUBELE, R T
 MAKHUVHA, V S
 MALANGE, T M
 MAMAFHA, T C
 MAMATSIARI, M S
 MAMOROBELA, T P
 MAPHAHLA, A Z
 MAPHALA, O S
 MASUKA S
 MATHOMA, M P

MATODZI, A M
 MATUMBA, N J
 MATUMBA, M T
 MBOYI, M D
 MMBADI, T A
 MOGALE, L B
 MTHOMBENI, S Z
 MUKHAHA, A J
 MUKHARI, M F
 MULOVHEDZI, M D
 MUNYAI, N S
 MUTELE, T M
 NNDWAMBI, M T
 NELUVHOLA, A T
 NEMAFHOHONI, M G
 NKANYANE, R G
 RATSHIKUNI, D T
 RATSHIVHOMBELA, M Q
 SELEPE, M R
 SINYOSI, S M
 UNDERWOOD, J P

Traditional Leaders

NONE

Officials

I P MUTSHINYALI	(MUNICIPAL MANAGER)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT PLANNING)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
S M CAROTO	(ACTING DIRECTOR CORPORATE SERVICES)
C W MOLOKOMME	(DIRECTOR: TECHNICAL SERVICES)
K O MUNZHELELE	(ACTING DIRECTOR COMMUNITY SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

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1. OPENING

The Speaker, Cllr L B Mogale ruled that a moment of silence be observed for meditation and prayer, whereafter she declared the meeting officially opened and welcomed everyone present.

She expressed that all be reminded of the Municipality's Vision and Mission as follows:

Vision "A Dynamic Hub For Socio – Economic Development By 2025"

Mission "To ensure effective utilization of economic resources to address socio- economic imperatives through mining, tourism and agriculture".

2. APPLICATION FOR LEAVE OF ABSENCE

RESOLVED –

THAT leave of absence be granted in terms of the provisions of Rule 5 of the Council's Rules and Orders published under Provincial Gazette Notice no. 1391 dated 31 August 2007 in respect of the Special Council meeting held on 14 July 2016 to Cllrs M M Hlabioa, T S Mudau, M M Lerule-Ramakhanya, F B Hlongwane, L M Mathalise, F J Rikhotso, R Thandavhathu, F D Mutavhatsindi, M P Rasimphi, T J Mamafha, N G Ndzovela, P F Mashimbye and T G Tshavhuyo.

REMARK:

The following Councillors were not present at the meeting:

1. Cllrs N P Balibali, N B Baloyi, M J Gabara, E H Ludere, F F Madavhu, M R Madzivhandila, N A Mafhala, M P Mazibuko, M Mpashe, T P Netshivhulana, N E Ngobeni, R Malange, M E Malima, H F Mathavha, S D Ramudzuli, S M Rekhotso, M J Shandukani and M S Tshilambyana.
2. Khosi M C Masakona, Hosi H N Majosi, Hosi J Baloyi, Hosi T J Mukhari, Khosi N T L Mashamba, Khosi T R V Mashau, Khosi R H Sinthumule, Khosi S T Mukhari and Khosi V C Ramabulana.

REMARK:

Khosi M W Netsianda, Khosi M A Madzivhandila, Khosi S A Mulima, Hosi M S Bungeni and Khosi T P Nesengani had passed away.

3. OFFICIAL ANNOUNCEMENTS

The Speaker, Cllr L B Mogale announced well wishes to all political parties with 3rd August 2016 as general municipal election day. She further expressed thanks to those councillors who were exiting and wished them well in their future endeavours.

4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER

None

5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS

- 5.1 Cllr T P Mamorobela proposed congratulations to the African National Congress Party with a successful rally at Bungeni Stadium.
- 5.2 Cllr T M Mutale proposed condolences to the bereaved family of Cllr J Shandukani with the loss of her mother on Wednesday, 13 July 2016.

6. CONFIRMATION OF MINUTES

6.1 REMARK:

Upon proposal by Cllr F N Madzhiga, duly seconded by Cllr M P Mathoma, it was -

RESOLVED -

THAT the minutes of the 79th meeting of the Council held on 28 April 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

6.2 REMARK:

Upon proposal by Cllr M Q Ratshivhombela, duly seconded by Cllr M G Nemafohoni, it was -

RESOLVED -

THAT the minutes of the 109th Special Council meeting held on 22 April 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

6.3 REMARK:

Upon proposal by Cllr M T Matumba, duly seconded by Cllr O S Maphala, it was -

RESOLVED -

THAT the minutes of the 110th Special Council meeting held on 26 May 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

7. MATTERS CONSIDERED:

7.1 Report of the Executive Committee in terms of section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) for the month of July 2016

The report of the 404th Executive Committee meeting held on 13 July 2016

CONFIDENTIAL

ITEM CA.91.14.07.16 (originally CA.91.28.07.16)

CONFIDENTIAL MATTER

CONFIDENTIAL

ITEM CA.92.14.07.16 (originally CA.92.28.07.16)

CONFIDENTIAL MATTER

ITEM A.93.14.07.16 (originally A.93.28.07.16)**DOMESTIC SERVICES: CORPORATE GOVERNANCE OF INFORMATION AND COMMUNICATION TECHNOLOGY: APPROVAL OF CORPORATE GOVERNANCE OF ICT CHARTER, 2016
(8/B; 8/2/3)**

RESOLVED A.93.14.07.16 (COUNCIL)

THAT the Corporate Governance ICT Charter, 2016 attached to the report in this regard as Annexure A be approved to become the Corporate Governance ICT Charter, 2016 of Council with effect of the date of such Resolution. (DCS)

ICTGovCharter2016_itm

ITEM A.94.14.07.16 (originally A.94.28.07.16)**PERSONNEL: LEAVE POLICY, 2016
(5/2/B & 5/6/B)**

RESOLVED A.94.14.07.16 (COUNCIL)

THAT the Leave Policy, 2016 be approved by Council to become Council's Leave Policy, 2016 with effect of date of Council Resolution.

DraftLeavePolicy2016_itm

(DCS)

ITEM A.95.14.07.16 (originally A.95.28.07.16)**PERSONNEL: (1) TOBACCO CONTROL POLICY
(2) OCCUPATIONAL HEALTH AND SAFETY POLICY
(5/2/B & 5/9/2)**

RESOLVED A.95.14.07.16 (COUNCIL)

1. THAT the Occupational Health and Safety Policy, 2016 and the Tobacco Control Policy, 2016 be approved by Council to become Council's
 - a. Occupational Health and Safety Policy, 2016
 - b. Tobacco Control Policy, 2016;
 with effect of the date of Council Resolution. (DCS)
2. THAT the safe distance of open smoking space be determined by the Occupational Health and Safety Practitioner and implemented accordingly. (DCS)

DraftTobacco&OccupationalHealthPolicies 2016_itm

ITEM A.96.14.07.16 (originally A.96.28.07.16)**PERSONNEL: EMPLOYEES ASSISTANCE PROGRAMME: PARTICIPATION IN SOUTHERN AFRICA INTER-MUNICIPAL GAMES, SEPTEMBER 2016: MAHIKENG (12/3/3/78)**

RESOLVED A.96.14.07.16 (COUNCIL)

THAT Council approves invitation from South African Inter Municipal Sport Association, attached as Annexure to the report in this regard, subject to the following conditions:

1. Permission is granted that seventy (70) non-essential services personnel participate in the South African Inter-Municipal Games to be held at Mahikeng Local Municipality (Mahikeng) for the period 24 to 30 September 2016.
2. Special leave be granted to seventy (70) staff members referred to in paragraph 1 above for the period 24 to 30 September 2016.
3. Council is requested to pay for accommodation, transport fees by bus to and from the location, promotional materials and 400 bottles of water be procured in order to help players in the field of play.
4. One Council vehicle (Quantum) be available to carry sports equipment's and outfits.
5. The Sports Committee delegates two team managers since they are supposed to arrive two days before the games to deal with accreditation and to attend organizing meetings.
6. The Sports Committee delegates two team managers to attend meeting on July or August 2016.
7. Council delegates the Mayor, the Councillor responsible for Sections 79 and 80 Portfolio Committees for Department Corporate Services, and the Councillor responsible for Sections 79 and 80 Portfolio Committees for Sports and Recreation, together with two officials of the Department of Corporate Services, to officially represent our Municipality during the Games.

MunicipalGames2016_itm

(DCS)

ITEM A.97.14.07.16 (originally A.97.28.07.16)**PERSONNEL: EMPLOYEES ACTING FOR A PERIOD OF FOUR (4) MONTHS: PERIOD JULY 2015 TO OCTOBER 2015 (5/5/3/11)**

RESOLVED A.97.14.07.16 (COUNCIL)

1. THAT Council notes the acting capacities of the employees in terms of Item 10.6 of the Collective Agreement on Conditions of Service for the Limpopo Division of SALGBC. (DCS)

2. THAT Council notes of the advertised posts of which normal recruitment processes will be followed when filling them taking into account the financial viability of the Municipality.

ActingFourMonthsJuly2015-Oct2015_itm

(DCS)

ITEM A.98.14.07.16 (originally A.98.28.07.16)

PERSONNEL: EMPLOYEES ACTING FOR A PERIOD OF FOUR (4) MONTHS: PERIOD NOVEMBER 2015 TO FEBRUARY 2016 (5/5/3/11)

RESOLVED A.98.14.07.16 (COUNCIL)

1. THAT Council notes the acting capacities of the employees in terms of Item 10.6 of the Collective Agreement on Conditions of Service for the Limpopo Division of SALGBC. (DCS)
2. THAT Council notes of the advertised posts of which normal recruitment processes will be followed when filling them taking into account the financial viability of the Municipality.

ActingFourMonthsNov2015-Feb2016_itm

(DCS)

ITEM A.99.14.07.16 (originally A.99.28.07.16)

COUNCIL LAND: PROPOSED LEASE: DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES: MUNICIPAL VACANT OFFICE: ERF 1181, HA-TSHIKOTA TOWNSHIP (7/4/1/3)

RESOLVED A.99.14.07.16 (COUNCIL)

THAT the proposed lease of municipal vacant office situated on erf 1181, Ha-Tshikota for purpose of accommodating the Rossbach Plantation Revenue Office temporarily, which was received from Mr M A Tshivhase, Director Forestry Management Limpopo and Mpumalanga, be approved, subject to the following conditions:

1. The intention to lease municipal vacant office temporarily be in terms of the provisions of section 79(18) of the Local Government 1939, (Ordinance 17 of 1939) as amended be advertised in one (1) of the local newspapers for comments and objections, if any,
2. A market related rental for the lease of municipal vacant office be determined by a Professional Valuer,
3. The term of lease be for one (1) year with an option to renew,
4. The standard conditions for lease of Municipal land will further apply,
5. A memorandum of agreement made and entered into by and between Makhado Local Municipality and M A Tshivhase as the Director Forestry Management Limpopo and Mpumalanga,
6. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Disposal Policy that a request in the above regard

cannot be processed unless first confirmed in writing that he/she will bear all costs relative to the advertisements and valuation.

7. The approval is further subject to the following conditions:

7.1 **Electricity:** Erf 1181 Ha–Tshikota falls in the Eskom area of supply.

7.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

7.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

7.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

ProposedLeaseErf1181HaTshikota_itm

(DDP)

ITEM A.100.14.07.16

FINANCES: INTERNAL AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTERS (6/13/1/2/1 & 6/13/1/2/2)

RESOLVED A.100.14.07.16 (COUNCIL)

1. THAT the Internal Audit Manual and Internal Audit Charter for implementation in 2016/17 financial year be noted. (MM)
2. THAT the Audit and Performance Committee's Charter be approved for the 2016/17 financial years, and that the said Committee operate according to the Charter to ensure effective and efficient oversight and monitoring of specific responsibilities assigned by the Council to the Audit and Performance Committee, as more fully set out in the annexure attached to the report in this regard. (MM)

APAC&InternalAuditPolicies_itm

ITEM A.101.14.07.16

COUNCIL COMMITTEES: RULES OF ORDER: SALGA MODEL, MARCH 2016 (1/3/34/2)

RESOLVED A.101.14.07.16 (COUNCIL)

1. THAT Council adopts the new Rules of Order, 2016 that was developed by SALGA NEC during November 2015, and that the existing Rules and Orders, 2007 promulgated under Local Authority Notice 228 in Provincial Gazette No 1398 of 31 August 2007, **be substituted** for the new Rules of Order, 2016 attached to the report in this regard as Annexure B.

(DCS)

2. THAT although an administrative processing timeline is required, the new Rules of Order, 2016 be applied with effect of date of Council Resolution irrespective of the date of promulgation thereof in the Limpopo Provincial Gazette, and that the Rules and Orders, 2007 be repealed by virtue of the same Notice in the said Provincial Gazette. (DCS)

NewRulesofOrder

CONFIDENTIAL

ITEM CA.102.14.07.16

CONFIDENTIAL MATTER

ITEM A.103.14.07.16

PERSONNEL: WORKPLACE SKILLS PLAN FOR 2016/2017 AND ANNUAL TRAINING REPORT FOR 2015/2016 FINANCIAL YEAR (5/4/B & 5/4/2)

RESOLVED A.103.14.07.16 (COUNCIL)

THAT the Council approves the Workplace Skills Plan (WSP) for 2016/2017 financial year and the Annual Training Report (ATR) for 2015/2016 financial year. (DCS)

WSP&ATR_itm

ITEM A.104.14.07.16

PUBLICITY: PUBLIC PARTICIPATION POLICY, 2016 (1/1/105 & 11/B)

RESOLVED A.104.14.07.16 (COUNCIL)

THAT the Public Participation Policy, 2016, which was subjected to public consultation on 24 May 2016, attached to the report in this regard as Annexure A, be approved to become Council's Public Participation Policy, 2016 with effect of date of Council Resolution.

PublicParticipationPolicy2016_itm

(DCS)

ITEM A.105.14.07.16

COUNCIL LAND: PROPOSED SALE OF ERF 757, TSHIKOTA TOWNSHIP (TE757)

RESOLVED A.105.14.07.16 (COUNCIL)

THAT the proposed sale of erf 757, Tshikota Township for purpose erecting residential building that was received from Mr L Sebola and Ms T A Mukwevho be approved, subject to the following conditions:

1. The intention to sell erf 757, Tshikota Township be in terms of the provisions of section 79(18) of the Local Government 1939, (Ordinance 17 of 1939) as amended be advertised in one (1) of the local newspapers for comments and objections, if any,

2. The Makhado Local Municipality General Valuation Roll for the period 2014 to 2018 will serve as the purchase price for the property,
3. The developer submits a building plan for approval,
4. The property be developed within three (3) years from the date of signing the Deed of Sale, provided that Council may allow an extension of a further (2) years,
5. In the event that the developer failed to complete the development as required under paragraph 4 above, the property shall revert back to Council without compensation by the Municipality to the developer for any improvements on the property,
6. The standard conditions for sale of Municipal land will further apply,
7. The erf must not be a residential property for rental,
8. A memorandum of agreement made and entered into by and between Makhado Local Municipality and L Sebola and T A Mukwevho,
9. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that he/she will bear all costs relative to the advertisements and valuation.
10. The approval is further subject to the following conditions:

10.1 **Electricity**: Erf 757 Tshikota has no existing electrical connection. Only a supply of 16kVA can be made available. Should this capacity be insufficient, any additional supply would be subject to-

- (a) Overall availability of capacity in the Municipality's electricity supply scheme.
- (b) A fully motivated written application by the client which will be submitted to Senior Management for their consideration.
- (c) Only a maximum of 50kVA may in any way be considered according to present status of the electricity supply scheme.

The client is further obliged to comply with the following conditions:

- (i) Application for additional electricity supply must be done by a professional electrical engineer, who must also do the design thereof and supervise all installation work.
- (ii) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993.
- (iii) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality.
- (iv) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront.

10.2 **Water**: The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

10.3 **Sewer**: The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

10.4 **Property Rates**: The applicant must pay property rates due to the Municipality.

ITEM A.106.14.06.16**COUNCIL LAND: PROPOSED SALE: REMAINDER ERF 4633, LOUIS TRICHARDT EXTENSION 8 TOWNSHIP (E4633)**

RESOLVED A.106.14.06.16 (COUNCIL)

THAT the matter be referred back pending submission of proper proof that applicant is registered as a non-profit Organisation (NPO) with SARS in terms of the relevant legislation. (DDP)

ProposedSaleErf4633_itm

ITEM A.107.14.07.16**COUNCIL LAND: PROPOSED SALE OF ERF 1272, TSHIKOTA TOWNSHIP (TE1272)**

RESOLVED A.107.14.07.16 (COUNCIL)

1. THAT the item be referred back pending amendment of Council's Land Disposal Policy to no longer permit 50% discount on the purchase of land for church purposes. (DDP)
2. THAT applicant pay rental to the Municipality retrospective to 2007 when they commenced occupying erf 1272, Tshikota Township without the consent of the Municipality. (DDP)

ProposedPurchaseErf1272Tshikota_itm

ITEM A.108.14.07.16**COUNCIL LAND: PROPOSED LEASE FOR BILLBOARD: PARK ERF 5047, LOUIS TRICHARDT EXTENSION 8 TOWNSHIP (15/3/9 & 7/3/2/9)**

RESOLVED A.108.14.07.16 (COUNCIL)

THAT the application received from Mr Limon Phungo acting on behalf of the Phungo Incorporated for proposed erection of billboard on park erf 5047, Louis Trichardt Extension 8 Township be approved subject to the following terms and conditions read with the provisions of Chapter 4 and Chapter 5 of the Makhado Municipality Draft Outdoor Signs By-Laws:

1. In terms of the provisions of section 79(18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) as amended the intention to lease municipal land on park erf 5047, Louis Trichardt Extension 8 Township of dimension 4.5m x 1.8m, be advertised in one (1) of the local newspapers for objections if any,
2. The applicant must seek recommendation of SANRAL first before billboard erection,
3. A market related rental for the lease of municipal land determined by a Professional valuer,
4. The rental be escalated by 10% per annum at the beginning of each financial year until the end of the lease agreement,
5. The term of lease for a period of five (5) years, with lease renewal option,

6. A standard lease agreement be made and entered into by and between Makhado Local Municipality and Mr Limon Phungo acting on behalf of the Phungo Incorporated,
7. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Land Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that they will bear all costs relative to the advertisements and valuation and valuation.
8. The approval is further subject to the following conditions:
 - 8.1 **Electricity:** Erf 5047 has no existing electrical connection. If the developer need electricity for the Billboard, he must pay for the actual connection as well as for the consumption, as all other billboards are operating.
 - 8.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
 - 8.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
 - 8.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

BillboardErf5047_itm

(DDP)

ITEM A.109.14.07.16

COUNCIL LAND: PROPOSED LEASE: DEPARTMENT PUBLIC WORKS: ERF 2722, LOUIS TRICHARDT EXTENSION 5 TOWNSHIP: PROPOSED FURNITURE MANUFACTURING INCUBATION CENTRE (E.2722)

RESOLVED A.109.14.07.16 (COUNCIL)

1. THAT the site be immediately made available for lease to Furntech/Transnet for purpose of establishing the Furniture Manufacturing Incubator. (DDP)
2. THAT the Department of Public Works acknowledges the request for the site and also authorise in writing that it consents that the site be made available for the above-mentioned project. (DDP)
3. THAT the Council approves the ongoing request for donation of land by the Department of Public Works to the Makhado Municipality. (DDP)
4. THAT Council approves the lease of the land to Furntech for purpose of establishing the Furniture Manufacturing Incubator Centre. (DDP)
5. THAT the Department of Public Works, Roads and Transport be informed about the Council Resolution. (DDP)

6. THAT the Makhado Municipality be the custodian of the land and oversee the implementation, and monitoring of the land for purposes intended to in the application by Furntech, which is to establish a Furniture Manufacturing Incubator. (DDP)
7. THAT the Transnet and Furntech and other Project Steering Committee members be informed about the process. (DDP)
8. THAT the Council consider the fact that Furntech has already taken part of its business to Thulamela due to lack of industrial/business space at Makhado municipality. (DDP)
9. THAT the approval is further subject to the following conditions:
 - 9.1 **Electricity:** Erf 2722 has no existing electrical connection. A supply of 50kVA can be made available. Should this capacity be insufficient, any additional supply would be subject to-
 - (a) Overall availability of capacity in the Municipality's electricity supply scheme.
 - (b) A fully motivated written application by the client which will be submitted to Senior Management for their consideration.
 - (c) Only a maximum of 50kVA may in any way be considered according to present status of the electricity supply scheme.

The client is further obliged to comply with the following conditions:

- (i) Application for additional electricity supply must be done by a professional electrical engineer, who must also do the design thereof and supervise all installation work.
 - (ii) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993.
 - (iii) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality.
 - (iv) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront.
- 9.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
 - 9.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
 - 9.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

ITEM A.110.14.07.16**COUNCIL LAND: PROPOSED SALE OF PORTION 1 OF ERF 2507 AND A PORTION ON ERF 4296, LOUIS TRICHARDT TOWNSHIP: PRIVATE CONTRACT FOR THE ESTABLISHMENT OF A BOUTIQUE HOTEL (E 2507 & E 4296)**

RESOLVED A.110.14.07.16 (COUNCIL)

THAT the proposed sale of Portion 1 of erf 2507 in extent 3000m² and a Portion of erf 4296, Louis Trichardt Township, which is supposed to be 9000m², by private contract for the purpose of establishing a Boutique Hotel received from Mr Reckson Mukwevho, the Executive Chairman of Kedisarecks Investments (Pty) Ltd be approved, subject to the following conditions:

1. The intention to sell Portion 1 of erf 2507 in extent 3000m² and a Portion to be subdivided on erf 4296, Louis Trichardt Township be in terms of the provisions of section 79(18) of the Local Government Ordinance 1939, (Ordinance 17 of 1939) as amended be advertised in local newspapers for comments, if any.
2. The application for the Subdivision of Portion on erf 4296 be submitted for consideration and approval before the determination of market price. Subdivision sketch diagram must be 9000m².
3. The sub divisional diagram approved by Surveyor General be submitted to the Municipality for the purpose of determination of Market price.
4. The property be sold at a market related valuation determined by the Professional Valuer which will serve as the purchase price for each property. The said properties will be valued independently. Portion of erf 4296 (9000m²) will be valued after approval of the sketch diagram by the Surveyor General.
5. An application for the rezoning of a Portion to be subdivided of erf 4296 and simultaneously with an application for the consolidation of the subdivided Portion with Portion 1 of erf 2507 be submitted for consideration.
6. The Department of Limpopo Economic Development, Environment and Tourism be consulted and comments from the Department regarding a Portion to be subdivided on erf 4296 must be submitted together with a rezoning application.
7. The developer submits a development proposal for consideration.
8. The property be developed within three (3) years from the date of signing the Deed of Sale, provided that Council may allow an extension of a further (2) years.
9. In the event that the developer failed to complete the development as required under paragraph 8 above, the property revert back to Council without compensation by the Municipality to the developer for any improvements on the property.
10. The standard conditions for the sale of Municipal land will further apply.
11. A memorandum of agreement be made and entered into by and between Makhado Local Municipality and Mr R Mukwevho, the Executive Chairman of Kedisarecks Investments (PTY) Ltd.

12. The applicant be informed in terms of the provisions of item 17(t) read with 18(4) of the Makhado Local Municipality Immovable Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that he/she will bear all costs relative to the advertisements and valuation.
13. The approval is further subject to the following conditions:
- 13.1 **Electricity:** Erf 2507/1 & Portion of erf 4296, Louis Trichardt Township has no existing electricity connection. Only a supply capacity of 50kVA can be made available for the proposed development. Should this capacity be insufficient, any additional supply would be subject to-
- (a) Overall availability of capacity in the Municipality's electricity supply scheme.
 - (b) A fully motivated written application by the client which will be submitted to Senior Management for their consideration.
 - (c) Only a maximum of 50kVA may in any way be considered according to present status of the electricity supply scheme.

The client is further obliged to comply with the following conditions:

- (i) Application for additional electricity supply must be done by a professional electrical engineer, who must also do the design thereof and supervise all installation work.
- (ii) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993.
- (iii) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality.
- (iv) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront.

13.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

13.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

13.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

ProposedSaleErf2507&4296_itm

(DDP)

ITEM A.111.14.06.16

**FINANCE: ASSETS MANAGEMENT: WRITE OFF / SCRAPPING OF ASSETS: MOVABLE AND IMMOVABLE - 30 JUNE 2016
(6/13/1/1/1, 8/B & 10/1/4/3)**

REMARK:

When this matter was considered, Cllr M R Selepe proposed, duly seconded by Cllr T P Mamorobela that the matter be referred back pending a detailed clarity on scrapping of immovable property. The proposal was accepted in general and recorded as Council's resolution.

RESOLVED A.111.14.06.16 (COUNCIL)

THAT the matter be referred back pending a detailed clarity on scrapping of immovable property.

AssetsDisposal_itm

(CFO)

ITEM A.112.14.07.16

FINANCES: PROCUREMENT: IRREGULAR EXPENDITURE: 4th QUARTER, 2015/16 FINANCIAL YEAR (10/1/5/2)

REMARK:

When this matter was considered, Cllr N S Munyai proposed, duly seconded by Cllr M R Magada that in future a reasonable reason must be given why Council should condone the irregular expenditure, failure which an investigation should be conducted with a view to recover the irregular expenditure incurred in that regard. The proposal was accepted in general and recorded as Council's Resolution herein below.

RESOLVED A.112.14.07.16 (COUNCIL)

1. THAT Council review items and reasons provided for Council to condone expenditure of R20,854,439.46 from 1 April 2016 to June 30 June 2016 and further recommendation to MPAC where required. (CFO)
2. THAT the National Treasury and the MEC of COGHSTA be informed that Council has considered the items relating to Section 32 non-compliance and have evaluated reasons for condonation. (CFO)
3. THAT should items be not condoned, after Council analysis and National Treasury approval of the non-compliance aspect to the MFMA, such items will continue to be disclosed as irregular expenditure in the financial statements for the year ending 30 June 2016. (CFO)
4. THAT in future reasonable reasons must be given why Council should condone an irregular expenditure, failing which an investigation be conducted and such irregular expenditure be recovered. (CFO)

IrregularExpenditureQ4_itm

ITEM A.113.14.07.16

FINANCES: REQUEST FOR CONDONEMENT OF FRUITLESS AND WASTEFUL EXPENDITURE: 4TH QUARTER, 2015/16 FINANCIAL YEAR (6/13/2/3 & 10/1/5/2)

RESOLVED A.113.14.07.16 (COUNCIL)

THAT the amount of R2,622,348.98 for Quarter 4 of the 2015/16 financial year be written off as irrecoverable based on the reasons that the Municipality did not pay Eskom and Telkom on due dates of their invoices, which resulted in interest charges on overdue accounts and compelled municipality

to pay as additional amount to the account, as more fully recorded in Annexure A attached to the report in this regard. (CFO)

FruitlessExpenditureQ4_itm

(REMARK: Items A.114.14.07.16 to A.118.14.07.16 are reports by MPAC directly to Council and can be found elsewhere in this minutes)

ITEM A.119.14.07.16

PERSONNEL: AMENDMENT OF 2016/17 ORGANOGRAM TO EXCLUDE VUWANI REGION PERSONNEL (5/1/2/1-10)

RESOLVED A.119.14.07.16 (COUNCIL)

THAT the amendment of the 2016/17 Organogram in line with the municipal re-demarcation whereby Vuwani now falls under LIM 345, be approved. (DCS)

AmendOrganogram_itm

ITEM A.120.14.07.16

PERSONNEL: MODEL PLACEMENT POLICY, 2016 (5/1/1/B)

REMARK:

When this matter was considered, the Executive Committee requested that the wording “subject to the needs of LIM 345” be added to the last sentence of paragraph 3. It was accepted in general and recorded accordingly.

RESOLVED A.120.14.07.16 (COUNCIL)

1. THAT Council approves the Model Placement Policy, 2016 attached as Annexure A to the report in this regard to be implemented as Council’s Model Placement Policy, 2016. (DCS)
2. THAT Council further approves that the Municipal Manager conclude a Secondment Agreement with LIM 345 for staff members that volunteers to serve in the LIM 345 and in consultation with the Placement Committee conclude the transfer of such staff members to LIM 345. (DCS)
3. THAT staff members who permanently resides in the areas affected by the re-determination of boundaries in Vuwani and Waterval Regions working elsewhere in the Municipality be afforded an opportunity to elect to be placed in the LIM 345, subject to the needs of LIM 345. (DCS)
4. THAT staff members permanently appointed in the Makhado and Dzanani Region who also wishes to be placed in the LIM 345 be so transferred, subject to the needs of Makhado Municipality. (DCS)

PlacementPolicy2016_itm

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7.2 **Report of the Municipal Public Accounts Committee in terms of section 79 of the Local Government: Municipal Structures Act, 1998 (No. 117 of 1998): July 2016**

REMARK:

Cllr M R Selepe proposed that in future MPAC reports must be listed under one introduction to avoid wasting of resources because the content of the introductions are the same.

ITEM A.114.14.07.16

**MPAC: 2016/2017 WORK PROGRAMME / ANNUAL TARGET OF MPAC
(4/33 &10/1/2)**

RESOLVED A.114.14.07.16 (COUNCIL)

THAT note be taken of the 2016/2017 MPAC Work Programme /Annual Target, compiled in terms of Clause 6 of the Guidelines for MPACs, attached as Annexure A to the report in this regard.

MPACWorkProgramme2016-2017_itm

(DCS)

ITEM A.115.14.07.16

**MPAC: MUNICIPAL PUBLIC ACCOUNT COMMITTEE CHARTER, 2016
(4/33)**

RESOLVED A.115.14.07.16 (COUNCIL)

THAT note be taken of the Municipal Public Account Committee (MPAC) Charter, 2016, a copy of which is attached as Annexure A to the report in this regard.

MPACCharter2016_itm

(DCS)

ITEM A.116.14.07.16

**MPAC: PERFORMANCE MANAGEMENT: SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: MID YEAR PERFORMANCE REPORT 2015/16 FINANCIAL YEAR
(10/1/4/1 – 10/1/4/8)**

RESOLVED A.116.14.07.16 (COUNCIL)

THAT Council take note that all budgeted projects have been implemented according to the SDBIP for the 2015/16 Financial Year.

MPACMidYear2015-2016_itm

(MM)

ITEM A.117.14.07.16**MPAC: TOWN-PLANNING AND CONTROL: FINAL 2016/2017 INTEGRATED DEVELOPMENT PLAN
(15/7/1; 15/8/1)**

RESOLVED A.117.14.07.16 (COUNCIL)

THAT it be noted that the Final 2016/2017 Integrated Development Plan is in line with Budget and SDBIP for the 2016/2017 Financial Year. (MM)

MPACDraftIDP2016-2017_itm

ITEM A.118.14.07.16**MPAC: CAPITAL AND OPERATIONAL BUDGET - 2016/2017 TO 2018/19 FINANCIAL YEAR
(10/1/2)**

RESOLVED A.118.14.07.16 (COUNCIL)

THAT the Municipality must make adjustment or find other sources of cash if possible in order to cover the deficit in the 2016/2017 Estimates. (MM/CFO)

MPACBudget2016-2017602017-2018

7.3 Resolutions of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) for the month of July 2016

The report of the 404th Executive Committee meeting held on 13 July 2016

ITEM B.20.13.07.16 (originally B.20.23.06.16)

DOMESTIC SERVICES: CORPORATE GOVERNANCE OF ICT POLICY, 2015 – QUARTER 3 PROGRESS REPORT, 2015/2016 FINANCIAL YEAR (8/2/3)

RESOLVED B.20.13.07.16 (EXECUTIVE COMMITTEE)

1. THAT note be taken of the 2015/16 Financial Year's Quarter 3 progress report about the ICT Governance Policy; that it further be noted nine (9) out of fourteen (14) deliverables have already been performed while the balance of five (5) will be achieved in the 2016/17 financial year. (DCS)
2. THAT it further be noted that actual implementing of the policies referred to in paragraph 1 above is subject to the provisions of funds in the 2016/17 financial year, if need be, by means of provision in the 2016/17 Adjustment Budget.

ProgressCHICTPolicyQ3_itm

(DCS)

ITEM B.21.13.07.16

DOMESTIC SERVICES, TENDERS AND CONTRACTS: MFMA CIRCULAR NO. 81: WEB BASED CENTRAL SUPPLIER DATABASE (8/B & 8/B/1)

RESOLVED B.21.13.07.16 (EXECUTIVE COMMITTEE)

THAT Council adopts Circular No. 81, Web Based Central Supplier Database (CSD) as issued by National Treasury on 18 March 2016, for implementation by the Municipality. (CFO)

Circular81_itm

ITEM B.22.13.07.16

LITIGATION: REVIEW OF THE OUTCOME: APPEAL DISCIPLINARY HEARING: MR M V MANDOBE, MANAGER: FINANCE (EXPENDITURE) (SP 3/2, 13/1/3/1 & 13/1/5)

REMARK:

1. This report was referred from CA.91.14.07.16
2. This matter was considered as last part of Council's business. Council resolved into Committee for the consideration hereof.
3. The Speaker after seeking advice from the Municipal Manager ruled that the municipal manager, directors and other senior officials may be present, provided that the officials who would be discussed would be junior to such senior official. Whereafter the members of public, and officials junior to those discussed under the confidential matters, were requested to leave the meeting.

RESOLVED B.22.13.07.16 (EXECUTIVE COMMITTEE)

THAT the matter be referred back for updating the report, and it be submitted anew to the next Executive Committee meeting for consideration. (DCS)

ReviewAppealMVMandobe_itm

ITEM B.23.13.07.16

LITIGATION: REVIEW OF THE OUTCOME: APPEAL DISCIPLINARY HEARING: MS J TLOU: CLERK: DIRECT PAYMENTS (SP 3/78, 13/1/3/1 & 13/1/5)

REMARK:

1. This report was referred from CA.92.14.07.16
2. This matter was considered as last part of Council's business. Council resolved into Committee for the consideration hereof.
3. The Speaker after seeking advice from the Municipal Manager ruled that the municipal manager, directors and other senior officials may be present, provided that the officials who would be discussed would be junior to such senior official. Whereafter the members of public, and officials junior to those discussed under the confidential matters, were requested to leave the meeting.

RESOLVED B.23.13.07.16 (EXECUTIVE COMMITTEE)

THAT the matter be referred back for updating the report and it be submitted anew to the next Executive Committee meeting for consideration. (DCS)

ReviewAppealJTlou_itm

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The meeting was closed and adjourned at 15:18.

Approved and confirmed in terms of the provisions of Clause 34 of the Rules and Orders, 2007 promulgated in Provincial Gazette No. 1391 of 31 August 2007 under Local Authority Notice 228, by a resolution of the Council passed at the meeting held on 28 July 2016.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_111