

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND TWELFTH (112th) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS SCHEDULED FOR 26 JULY 2016 THEN POSTPONED TO 28 JULY 2016 AND AGAIN POSTPONED AND HELD ON FRIDAY, 29 JULY 2016 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 12:00.

PRESENT

Councillors

BALIBALI, N P	MATUMBA, N J
BALOYI, R S	MATUMBA, M T
DU PLOOY, A	MBOYI, M D
GABARA, M J	MOGALE, L B
HLABIOA, M M	MTHOMBENI, S Z
HLUNGWANE, B F	MUKHAHA, A J
HLUNGWANI, K A	MUKHARI, M F
LERULE-RAMAKHANYA, M M	MUTAVHATSINDI, F D
LUDERE, E H	NDZOVELA, N G
LUDERE, R	NELUVHOLA, A T
LUDUVHUNGU, V S	NEMAFHOHONI, M G
MACHETE, M S	NGOBENI, N E
MADAVHU, F F	NKANYANE, R G
MADZHIGA, F N	RAMUDZULI, S D
MAFHALA, N A	RATSHIKUNI, D T
MAGADA, M R	RATSHIVHOMBELA, M Q
MAHLADISA, S V	RIKHOTSO, S M
MAKHUBELE, R T	REKHOTSO, F J
MALANGE, R	SELEPE, M R
MALANGE, T M	SHANDUKANI, M J
MAMROBELA, T P	SINYOSI, S M
MAPHAHLA, A Z	THANDAVHATHU, R
MAPHALA, O S	TSHAVHUYO, T G
MASUKA S	TSHILAMBYANA, M S
MATHALISE, L M	UNDERWOOD, J P
MATHAVHA, H F	
MATODZI, A M	

Traditional Leaders

NONE

Officials

I P MUTSHINYALI	(MUNICIPAL MANAGER)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT PLANNING)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
N C KHARIDZHA	(DIRECTOR CORPORATE SERVICES)
M J KANWENDO	(DIRECTOR: COMMUNITY SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

Guest

R C NGOBENI	(COGHSTA)
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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 28 July 2016 to Cllrs M P Mathoma, M D Mulovhedzi and M S Mamatsiari.

REMARK:

The following Councillors were not present at the meeting:

1. Cllrs N B Baloyi, N F Chililo, N D Davhana, N Kutama, M R Madzivhandila, M G Mahani, M P Mazibuko, T A Mmbadi, M Mpashe, T S Mudau, N S Munyai, T M Mutele, M T Ndwambi, T P Netshivhulana, V S Makhuvha, M E Malima, T J Mamafha, T C Mamafha, P F Mashimbye and M P Rasimphi.
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

3.1 The Speaker, Cllr L B Mogale announced that representatives of each Political Party be afforded an opportunity to express at this last meeting of the Council, five years term (2011 to 2016).

3.1.1 Cllr N A Mafhala of Democratic Alliance (DA) congratulated councillors for being part of the Council for the past five years, all colleagues of other political parties, he further indicated that election is around the corner, Democratic Alliance will show other political parties on the growth they have achieved on the ground as they will be having more ward councillors and councillors in the next Council to be elected on 3 August 2016.

3.1.2 Cllr B F Hlongwane of African Christian Democratic Party (ACDP) congratulated all councillors present and acknowledged His Worship Cllr F D Mutavhatsindi, Cllr R S Baloyi and himself for being part of the Council for the past fifteen (15) years that the ACDP ensured that the ruling party successfully governed the Municipality. He further said that on 3 August 2016, God will pray for African National Congress and other political parties.

3.1.3 Cllr N P Balibali of Congress of the People (COPE) thanked the Executive Committee, Management and all Councillors for having a nice time in this term of Council. He further indicated as the highlight of Council when the

Municipal Manager, Mr I P Mutshinyali in his first address to councillors at the Show Hall when he said lets work hard to change the Institution since it is like an amoeba. The input that was made by Council and Management was to turn things around which resulted in an unqualified audit opinion. He further indicated that after elections the parties who won must not forget people who voted them into power.

3.1.4 Cllr E H Ludere of Pan African Congresss (PAC) thanked everyone and indicated that the African National Congress (ANC) worked very hard, but they must work even harder in the next term of Council.

3.1.5 Cllr R Ludere, the Chief Whip of African National Congress (ANC) indicated that five (5) years ago, African National Congress deployed a collective group of councillors. We as members of the ruling party, we are proud that African National Congress lives – African National Congress leads!

3.2 The Speaker, Cllr L B Mogale ruled that the Chairperson of the Executive Committee be afforded an opportunity to express his words of appreciation.

REMARK:

Before the Mayor, his worship Cllr F D Mutavhatsindi expressed his words of appreciation he requested councillors to sing a slogan called Asinavalo Sisebenza Kanzima (we are not scared, we are working very hard).

His worship the Mayor, Cllr F D Mutavhatsindi acknowledged the presence of Madam Speaker, Chief Whip, executive Committee members, Municipal Manager, Directors, all staff present, Leaders of Opposition and Cllr A du Plooy who never attended a single Imbizo. He further appreciated good work done by collective councillors. In 2011 we all know that Makhado Municipality in terms of performance was the worst – now we are counted amongst the best municipalities in the Province. Now we are in the best top eight (8) performing municipalities in the Province. He indicated that on 3 August 2016 not all of us are going to come back at this Council. Makhado Municipality did a good work in the villages, we built quality bridges at Mphaila, Matshavhawe, Mazuwa and Sereni.

He further indicated that we have changed the face of town. He further indicated that in 2008/2009 financial year Rate Payers Association withdraw money and opened a trust account but through good work by Council, they agreed to pay the money to the Municipality and now they are silent.

Opposition Parties had no role to play because they saw no reason to oppose the good work that we did while we were in the office.

In conclusion he appreciated good work done by the administration led by the Accounting Officer. For the period of five (5) years we were given additional MIG funding of R105m because of good performance in MIG projects when other municipalities could not spend and the funds are returned to the National Treasury.

The Chief Whip managed to whip constructively, the Speaker did good work, I don't remember Councillors collapse incapability, you chaired Council to achieve what is supposed to be achieved, good luck - continue to do good work to the people of the region.

The Mayor requested the Accounting Officer for a token of appreciation to all councillors and prove to him that he was still in charge of the Municipality until 3rd of August 2016. Let's go all out and campaign and encourage our people to go and vote, even at Vuwani Region. We want to see those people going to cast their vote.

The Mayor also congratulated the Speaker for the discipline that Council had in doing its business.

Madam Speaker, thanks very much for the opportunity you have given to me.

- 3.3 The Speaker, Cllr L B Mogale officially announced that there will be a donation of a house to the needy family on Saturday, 30 July 2016 at Vleifontein, Joe Slove Street, next to Skate Tavern in Ward 20, Cde Dr Phophi Ramathuba the MEC of health in Limpopo will hand over the house and all councillors were invited to attend.

She further indicated that Makhado Annual Show tickets were available to all Councillors in the Office of the Speaker for collection.

- 3.4 The Municipal Manager, Mr I P Mutshinyali announced that after today's Council seating, there were snacks arranged by administration for Councillors to enjoy.

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 Speaker of Council, Cllr L B Mogale for maintaining a good work together with the PMT.

- 5.2 Cllr M M Lerule-Ramakhanya proposed condolences to the bereaved family of Gugu Zulu who was a professional racer who died at Mountain Kilimanjaro. May his soul rest in peace.

6. CONFIRMATION OF MINUTES

6.1 REMARK:

Upon proposal by Cllr M B Mmboyi, duly seconded by Cllr S Masuka, it was -

RESOLVED -

THAT the minutes of the 111th Special Council meeting held on 14 July 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson, with the following amendment:

Page 17, Item A.120.14.07.16

That the heading of the item be changed by removing the word "Model"

That in paragraph 1 the word "Model" on two places be removed.

Page 18, Item A.120.14.07.16

That paragraph 4 of item A.120.14.07.16 be corrected to read as follows:

- "4. THAT staff members at Vuwani Region who permanently resides in the areas not affected by the re-determination of boundaries working in the Makhado, Waterval and Dzanani Regions who also wishes to be placed in the Makhado Local Municipality be so transferred, subject to the needs of Makhado Municipality. (DCS)"

That the Placement Policy 2016, attached to the report in this regard be corrected as follows:

- a) On cover page the word "Model" be removed.
- b) On page 4 under "Receiving Municipalities" the words "municipalities who are receiving employees from the dis-established municipality (Mutale)" be removed and replaced

with the words “LIM 345”.

- c) On page 5 paragraph 1(a)(i) be amended to read as follows: “Whereas Makhado Local Municipality is re-determined, and is to transfer staff to the receiving Municipality in parts of its area that has been incorporated into LIM 345.
- d) On page 5 paragraph 2(a)(iii) – the whole paragraph be removed and the following paragraph be renumbered as (iii).
- e) On page 7 paragraph 7.2(b) the words “Thulamela, Musina” be removed.
- f) On page 8 paragraph (ii)(e) the words “Thulamela and” be removed.
- g) On page 8 paragraph (ii)(f) – the whole paragraph be removed .
- h) On page 9 paragraph 7.4(a)(xii) – the word “No” be inserted at the beginning of the paragraph.

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 406th Executive Committee meeting held on 26 July 2016

The report of the 407th Executive Committee meeting held on 29 July 2016

CONFIDENTIAL

ITEM CA.121.29.07.16 (originally CA.121.26.07.16)

CONFIDENTIAL MATTER

CONFIDENTIAL

ITEM CA.122.29.07.16 (originally CA.1122.26.07.16)

CONFIDENTIAL MATTER

ITEM A.123.29.07.16 (originally A.123.26.07.16)

**COUNCIL COMMITTEES: RETURN OF ATTENDANCE OF MEETINGS OF COUNCIL AND ITS COMMITTEES – APRIL 2016 TO 14 JULY 2016 – QUARTER 4, 2015/2016 FINANCIAL YEAR
(4/1/B & 10/1/5/1)**

RESOLVED A.123.29.07.16 (COUNCIL)

1. THAT note be taken of the number of meetings held by Council and its Committees for the period 1 April 2016 to 14 July 2016 as follows:

Table 35 SUMMARY OF MEETINGS HELD – QUARTER 4 OF 2015/16

DATE 2016	NUMBER OF PORTFOLIO COMMITTEES' MEETINGS	NUMBER OF EXECUTIVE COMMITTEE MEETINGS	NUMBER OF COUNCIL MEETINGS
April	6	2	2
May	5	2	1
June	3	1	0
July	3	2	1
TOTAL	17 meetings were held of which 3 did not form a quorum	7	4

*Excluding LLF meetings of which 4 were held

(DCS)

2. THAT note be taken of the *Return of Attendance of meetings by councillors* for the period 1 April 2016 to 14 July 2016 as more fully recorded in the report in this regard. (DCS)
1. THAT all councillors who were absent from 3 or more consecutive meetings of Council and its committees be notified to appear to the Rules and Ethics Committee to give reasons why they do not attend such meetings. (DCS)
2. THAT in table 8 on page EC 2016/3931, Cllr J P Underwood be marked present and not absent. (DCS)

Return of Attendance Q4 of 2015-2016

ITEM A.124.29.07.16 (originally A.124.26.07.16)

PERSONNEL: TRANSFER OF STAFF AGREEMENT FROM MAKHADO LOCAL MUNICIPALITY TO HLANGANANI/VUWANI/MALAMULELE LOCAL MUNICIPALITY (5/1/1/B)

RESOLVED A.124.29.07.16 (COUNCIL)

THAT Council approve the Transfer of Staff Agreement of Personnel from Makhado Local Municipality to Hlanganani/Vuwani/Malamulele Local Municipality as attached to the report in this regard. (DCS)

TransferOfStaffAgreement_itm

ITEM A.125.29.07.16 (originally A.125.26.07.16)

FINANCES: PROCUREMENT: CLAUSE 36: QUOTATION DEVIATIONS: 4th QUARTER: 2015/2016 FINANCIAL YEAR (10/1/5/2)

RESOLVED A.125.29.07.16 (COUNCIL)

THAT in terms of clause 36 of the Municipal Supply Chain Regulations, 2005 promulgated under the Local Government: Municipal Finance Management Act, 2003, in procurement by means of quotations during the 4th quarter of the 2015/2016 financial year in the amount of R1 344 991.51 and which each was duly approved by the Accounting Officer before it was procured, be condoned by Council.

QuotationDeviation4thQuarter2015-2016_itm

(CFO)

ITEM A.126.29.07.16 (originally A.126.26.07.16)

**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)**

RESOLVED A.126.29.07.16 (COUNCIL)

THAT Council approves the accounting journals to be processed for the duplicated recorded immovable assets scrapping of old movable assets in an unusable condition from the assets register for 30 June 2015/16 financial period, as attached to the report in this regard, as it has an impact on the preparation of financial statements. (CFO)

AssetsDisposal(2)_itm

ITEM A.127.29.07.16 (originally A.127.26.07.16)

FINANCES: REQUEST FOR THE APPROVAL OF THE WRITE-OFF OF THE FOLLOWING ACCOUNTS:

- i) CONSUMERS CONTRA ITEMS – VOTE NO. 948/ 707043 (R1 734 404, 06)
- ii) ATTORNEYS; LEGAL COMMISSION – VOTE NO. 949/ 708039 (R1 886 018, 74)
- iii) SUNDRY DEBTORS CONTROL REFUSE – VOTE NO. 949/ 708014 (R2 142 910, 92)
(6/6/6 & 13/1/1)

RESOLVED A.127.29.07.16 (COUNCIL)

THAT Council approves the write-off of the Suspense Vote No. 948/ 707 043 (Consumer Contra Items), Attorneys Legal Commission and the Sundry Debtors Control Refuse for the year ending 30th of June 2016, for the total amount of R5 763 333,72, as stated in the report in this regard.

WriteOffSuspenseAccount_itm

(CFO)

ITEM A.128.29.07.16 (originally A.128.26.07.16)

**FINANCE: ASSETS MANAGEMENT: TRANSFER OF FIXED ASSETS FROM MAKHADO MUNICIPALITY TO THE NEW ENTITY LIM 345
(8/1/1)**

RESOLVED A.128.29.07.16 (COUNCIL)

THAT Council takes note of the transfer of fixed assets from Makhado Municipality to the new Municipality LIM 345 (Hlanganani Vuwani Malamulele Local Municipality). (CFO)

AssetsTransfer_itm

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

ITEM A.129.29.07.16 (originally A.129.28.07.16)

COUNCIL COMMITTEES: AUDIT AND PERFORMANCE AUDIT COMMITTEE: APAC AND INTERNAL AUDIT ACTIVITY PERFORMANCE ASSESSMENT REPORT (2015/16) (6/13/1/1)

RESOLVED A.129.29.07.16 (COUNCIL)

THAT the Consolidated Audit and Performance Audit Committee and Internal Audit Activity Assessments for the period ending 30 June 2016 be adopted. (MM)

APACAssessmentsJune2016_itm

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7.3 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 406th Executive Committee meeting held on 26 July 2016

ITEM B.24.26.07.16

REPORT: MUNICIPAL EXPANDED PUBLIC WORK PROGRAMME (EPWP) GRANT: 4th QUARTER REPORT (16/8/1 & 10/1/5/3)

RESOLVED B.24.26.07.16 (EXECUTIVE COMMITTEE)

1. THAT Council takes note of the fourth (4th) quarter report in relation to the implementation of the Expanded Public Works Programme (EPWP) for 2015/16 financial year. (DTS)
2. THAT Council take note that the EPWP contracts for street cleaning and litter picking will terminate in October 2016 and the other two EPWP contracts for electricity maintenance and civil engineering services maintenance terminated on 30 June 2016 and were extended for three (3) months up to September 2016. (DTS)

ImplementationEPWP Q4 2015-2016_itm

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The meeting was closed and adjourned at 13:22.

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 27 October 2016.