

# MAKHADO LOCAL MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SERVICES

**MINUTES** OF THE FORTY SEVENTH (47<sup>TH</sup>) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON WEDNESDAY, 15 AUGUST 2007 IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, KROGH STREET, LOUIS TRICHARDT AT 17:00.

### **PRESENT**

#### **Councillors**

BALADZI, P	MATUMBA, J
BALOYI, R S	MAUBA, K D
BOPAPE M B	MAVHUNGU K
CHAYA, A A	MBOYI M D
DZHOMBE J	MUDAU, T J
GUNDULA, A S	MUFAMADI, M R
HELM, M A	MUKHAHA, A J
HONWANA X N C	MULOVHEDZI M D
HOORZUK, J	MUNUNGUFHALA M L
KUMALO, J D	MUROVHI, N J
LEBEA M E	MUTAVHATSINDI, F D
LOWANE L B	MUVHUMBE M A
MABILA M N	NCHAUBA, T G
MABOHO N K	NDHLIWAYO, B T
MABOHO T E	NEMALEGENI, P R
MACHOVANI R G	NEPHAWE, K P
MADUWA E	NGOBENI, E H
MAGUGA S G	NTHULANE L T
MAHWAI S J	PHASWANA P
MAKANANISE, M M	RADAMBA M S
MAKHADO, M M	RAMASHIA, N G
MAKHADO, M N	RAMUDZULI S D
MAKHERA, M A	REKHOTSO, S M
MAKHOMISANI, S E	REYNEKE, P Q
MAKHUBELE R T	RIKHOTSO F J
MALETE, D	RUMANI, F F
MAPHALA, O S	SELEPE, M R
MASHABA T G	SIKHUTSHI, P
MASHAMBA, H A	SIPHUMA A L
MASHAU, L P	SMALLE J F
MASHELE, W N	TSHAVHUYO, T G
MATAMELA, N S	

#### **Traditional Leaders**

HOSI BUNGENI, M S	KHOSI MULIMA, S A
KHOSI NESENGANI, T P	KHOSI NETSIANDA, M W
KHOSI SINTHUMULE, S E	

#### **Officials**

M MAPHOLI	(ACTING MUNICIPAL)
D A MASENGANA	(DIRECTOR SPECIAL PROJECTS)
V E TSHIKHUDO	(ACTING DIRECTOR FINANCE)
N C KHARIDZHA	(ASSISTANT MANAGER: LEGAL & COMMITTEES)
J LUKHELI	(OFFICE OF THE SPEAKER)
M K MASINDI	(ADMINISTRATIVE OFFICER: COMMITTEES)

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## 1. OPENING

The Speaker, Cllr J Hoorzuk ruled that a moment of silence be observed in prayer and meditation, whereafter she declared the meeting officially opened.

## 2. APPLICATION FOR LEAVE OF ABSENCE

RESOLVED –

That leave of absence be granted in accordance with the provisions of section 31 (2) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) in respect of the Special Council meeting held on 15 August 2007 to Cllrs N E Ngobeni, M F Mahani, A N Matodzi, R G Nkanyani, M V Mahlaule and B du Plooy.

### REMARK:

Cllrs B F Hlongwane, A G Ngwana, S D S Manganyi, S Masuka, as well as all Traditional Leaders Hosi T J Mkhari, Khosi M C Masakona, Hosi H M Majosi, Khosi M A Madzivhandila, Khosi N T L Mashamba, Hosi S T Mukhari, Hosi J Baloyi, Khosi V C Ramabulana and Khosi T R V Mashau, did not sign the register and it cannot be confirmed that they were present at the meeting.

## 3. OFFICIAL ANNOUNCEMENTS

- 3.1 The Chairperson announced that all councilors were invited to come and celebrate and share ideas with other women on 26 August 2007 at Maluta Secondary School (Madombidzha) at 09:00, where Rachel Nhabune, Minah Baloyi and Maru Rahulani would be entertaining the guests. All guests would be expected to be putting strictly on traditional dress or Minwenda.
- 3.2 The Chairperson announced that the Municipality was invited to the Empowerment Workshop by Rivoni Society for the Blind on Friday, 17 August 2007 at 10:00 at Rivoni.
- 3.3 Cllr K Mavhungu announced that the funeral of Ms Tshidumba and her children would be held on Saturday, 18 August 2007.

## 4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER

- 4.1 The Speaker, Cllr J Hoorzuk congratulated all women in celebrating the Women's month of August.
- 4.2 The Speaker, Cllr J Hoorzuk congratulated the Director Special Projects for organising an excellent function in Elim.
- 4.3 The Speaker, Cllr J Hoorzuk proposed condolences to the families of the officials of the Department of Health who were involved in a fatal accident on the N1. Their memorial service would be held on Thursday, 16 August 2007 at 10:00 at the Show Ground, Louis Trichardt.

## 5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS

- 5.1 Cllr A A Chaya congratulated on behalf of the Indian Community Directors M Mapholi, N P Magwala and D A Masengana, for ensuring that the cemetery was well maintained and kept clean, fenced and with water taps, and the provision of two security guards.
- 5.2 Cllr F D Mutavhatsindi congratulated Cllr J Dzhombe for successfully organizing the event for the launch of electrification in Ward 37 together with the information sharing programmes conducted by various Departments.
- 5.3 Cllr F D Mutavhatsindi congratulated Cllr P Phaswana and Cllr F F Rumani for having been elected to serve at the Vhembe District Municipality's Mayoral Committee.
- 5.4 Cllr X N C Honwana congratulated the Municipal Manager and Mayor for their assistance which ensured the burial of an indigent, Mr Samuel Mafemani Chauke on 17 July 2007.
- 5.5 Cllr M S Radamba congratulated the PAC for having conducted a successful Women's Day Celebration at Dzanani on 9 August 2007, which was graced by the presence of PAC Leader, Mr Mphantele.
- 5.6 Cllr N S Matamela proposed condolences to the family of Cllr P Sikhutshi whose mother had since passed away and was buried on 11 August 2007.
- 5.7 Cllr J Dzhombe congratulated Cllr A A Chaya for the donations that he made for the electricity connection event in Ward 37.
- 5.8 Cllr S E Makhomisanani congratulated the Mayor for her election as the ANC Provincial Deputy Secretary of the Women's League.
- 5.9 Cllr N G Ramashia congratulated all the women in Malonga Village for forming an Inter-Denomination Church.
- 5.10 Cllr N G Ramashia congratulated a firm of Civil Engineers which donated 95 school uniforms to learners at two primary schools and a high school at Majosi Village.
- 5.11 Cllr T G Mashaba congratulated Cllr A A Chaya for donating blankets to the destitute in Wards 15, 16 and 17.
- 5.12 Cllr M A Muvhumbe congratulated Cllr S E Makhomisanani for her election to the ANC Women's League Provincial Executive Committee.
- 5.13 Cllr R S Baloyi congratulated Cllr T J Mudau for the good work he was doing at the Municipality, e.g. timeous arrival of Executive Committee and Council agendas to Councillors.
- 5.14 Cllr M M Makananise congratulated both Songozwi and Sam Phophi ANC branches for the good work done during the process of Name Change over the previous weekend and particularly commended Cllr D Malete for his efforts in this regard.
- 5.15 Cllr K Mavhungu congratulated one Mr Tshipuke for conducting a two days ZCC night prayer meeting at his home.
- 5.15 Cllr D Malete congratulated South African Bottling Company for hosting the Coca Cola School Competition wherein 96 schools participated and went further to commend both the Municipal Manager and Mayor for attendance of the tournament.

## 6. MATTERS CONSIDERED

**Recommendations of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 47<sup>th</sup> Special Council Meeting: 15 August 2007**

### ITEM A.61.15.08.07

#### **ORGANIZATION: DELEGATED POWERS: REVIEW OF**

**(1) EXECUTIVE COMMITTEE**

**(2) MUNICIPAL MANAGER AND HEADS OF DEPARTMENTS**

**(2/1/3/2/1; 2/1/3/2/2)**

RESOLVED A.61.15.08.07 -

THAT in terms of section 59 of the Local Government Municipal Systems Act, 2000 powers to perform functions be delegated to the Mayor, Speaker, Executive Committee and Municipal Manager and Heads of Departments as set out hereafter, and that the corresponding previous Council Resolutions applicable to such powers, be herewith revoked:

#### **1. THE COUNCIL**

Powers that may not be delegated (SA Constitution, Section 160(2), Section 59 of the Systems Act)

1. The passing of by laws;
2. The approval of budgets;
3. The imposition of rates and other taxes, levies and duties.
4. The raising of loans.
5. The power to set tariffs;
6. To enter into service delivery agreements;
7. To approve or amend the municipality IDP

#### **Council should retain the following further powers:**

1. The power to appoint the Municipal Manager (Section 82 of the Structures Act)
2. The power to appoint Managers directly accountable to the Municipal Manager in consultation with the Municipal Manager (Section 56 of the Municipal Systems Act);
3. The power to approve all council policies;
4. The power to designate councilors determined by the MEC for Local Government to be full time (Section 18 of the Structures Act).
5. The power to recommend to the MEC the suspension and removal of a councilor (Code of Conduct of Councilors, Rule 14(2))
6. The power to remove from office one or more or all the members of the Executive Committee after having given prior notice of an intention to do so (Section 53 of the Structures Act)
7. The power to name streets, open spaces and other public places.
8. The erection of permanent municipal buildings.

9. The power to deal with matters subject to Premier's or MEC's or Ministerial approval or which is subject to a right of appeal to the Premier or other state organs.
10. The approval of Town Planning Scheme's policy and amendments of the policy.
11. The selling of municipal land and the approval of LED projects.
12. The establishment of new towns, determination of contribution funding and conditions for the delivery of necessary services in towns and the granting of any permissions which Council has the say on in terms of the Conditions of Establishment, with exception of cases which can be dealt with within Council's framework of policy.
13. To renew or terminate the contract/s of the Municipal Manager and managers directly accountable to the Municipal Manager in terms of Section 57.6(b-c) of the MSA.
14. The establishment and disbandment of council committees.
15. The expropriation of immovable property or rights in to such a property.
16. The determination or alteration of the remuneration, benefits or other condition of service of the Municipal Manager and Managers directly accountable to the municipal manager.
17. Appointment of employer representative to the local labour forum.
18. The acquisition of land or any right in land which belongs to Council.
19. Approval of transfer of funds from one budget vote to another from an amount above R1 m
20. To institute or defend arbitration proceedings in matters which would have been dealt with in the high court or court of equal or higher status.
21. All powers, irrespective of its source of origin, which are not contained in this delegation schedule and which do not vest in a specific office bearer or official by operation of law.

## **2. THE EXECUTIVE COMMITTEE**

1. The power to delegate councilors to attend municipal related meetings in line with their respective portfolios according to a workable mechanism and procedure.
2. The power to establish a panel to compile a shortlist for applicants for a Municipal Manager position, with the Mayor and the Portfolio Councilor Corporate Services as part of the panel.
3. The power to establish a panel to compile a shortlist for applicants for Managers directly accountable to the Municipal Manager, with the Mayor, the Portfolio Councilor Corporate Services and the Municipal Manager as part of the panel.
4. The power to approve the contents of the intended employment contracts and performance agreements which will be signed between the managers directly accountable to the Municipal Manager;
5. Approval of grants and donations up to the amount of R10 000
6. Approval of transfer of funds from one budget vote to another from an amount above R200 000.00 to R1 m
7. Appointment of council representatives to public bodies by a respective portfolio councilor
8. The approval or refusal of applications for bursaries, which must be in accordance with council policy
9. The rezoning and subdivision of land in accordance with Town Planning Scheme

10. The power to constitute the Appeals Committee so as to comply with the time frames outlined in the Conditions of Service as well as the Labour Relations Act, 1995 as amended in presenting appeals on behalf of Council in terms of Section 57 managers;
11. The power to approve consolidations and subdivisions in R293 towns, which will be offered as Council's comments to Department Local Government and Housing
12. To intervene in community differences in allocation of land in un-proclaimed township areas with the aim to reconcile the differences
13. To approve a skills development plan of the municipality
14. To consider and approve or refuse to erect advertising signs or information

### **3. THE MAYOR**

1. To approve an application of leave of the Municipal Manager;
2. To recall the Municipal Manager prior the expiry of the leave days based on reasonable grounds;
3. To approve the travel and subsistence claims of councilors and the Municipal Manager in terms of the agreed rates;
4. To sign the contract and a separate performance agreement with the Municipal Manager on behalf of the municipality (Section 57 of the Systems Act)
5. To represent the municipality in all ceremonies and functions as invited.

### **4. THE SPEAKER**

1. The investigation of alleged breach of Code of Conduct by Councilors or the appointment of a committee to investigate such breach and to make recommendations to the full council.
2. Imposition of fines on councilors for non-attendance of Council and committee meetings.
3. To authorize training for councilors, ward committees and other bodies designed to foster public participation.
4. To keep and maintain attendance register for full time councilors.
5. To approve the travel and subsistence claims of the Mayor in terms of the agreed rates.
6. To ensure public participation on matters of the municipality as prescribed by legislation.

### **5. THE MUNICIPAL MANAGER**

1. The power to discipline, suspend and dismiss managers directly accountable to the Municipal Manager in accordance with their employment contract including all other staff members
2. The power to approve applications for leave, including special leave, of managers directly accountable to the Municipal Manager
3. To make investments on behalf of the municipality within a policy framework determined by the Minister of Finance.
4. The power to approve the restrictions to fill a vacancy be waived should a need arise, subject to the availability of funding and in consultation with Executive Committee
5. The power to approve the leasing of municipal halls and other related properties

6. The authority to close business in terms of health and other applicable legislation
7. The removal of weathered and out-dated advertising signs in terms of an applicable By-law.
8. To issue press releases after consultation with the Mayor.
9. Approve subsistence and traveling allowances for councilors and staff members.
10. Approval for appointment in an acting capacity whenever necessary and approval of payment of acting allowances, if applicable in terms of the service conditions.
11. To permit necessary attendance of events by officials and councilors at places other than the normal working place.
12. To authorize training and related expenditure of officials.
13. To grant an option of purchasing an erf for a period not exceeding sixty days.
14. To identify the publication for advertising personnel vacancies.
15. To sign any document which may necessary to execute a Council or Executive Committee resolution.
16. To permit temporary closure of a road or public place for a maximum of seven days.
17. To accept a tender/quotation in terms of the adopted procurement policy of the council.
18. To authorize the serving of legal documents in terms of the Magistrate Courts Act, 1944.
19. To transfer existing staff excluding Managers directly accountable to him/her from one department to the other in consultation with the relevant managers within the Municipality.
20. To consider applications by officials and councilors for 100% housing loans at banking institutions.
21. To grant approval for the filling of vacancies including the right to advertise such vacancies.
22. To decide whether or not dangerous or unstable buildings be demolished.
23. Approval of transfer of funds from one budget vote to another to a maximum amount of R200 000.00.
24. To institute or defend any action, including actions relating to debt, in the lower court or a court of a similar status.
25. Granting of permission for the use of Council property or buildings for personnel functions or other personnel activities.
26. To approve the appointment of officials as law enforcement officers to enforce municipal legislation.
27. To obtain external legal opinions for specific matters in consultation with the Mayor.
28. To draw up agreements for municipal purposes and scrutinize and approve those drafted by private persons to which the municipality is a party.
29. Approval of applications for rendering of municipal services on a once off or temporary basis for a maximum period of three months inside the municipal jurisdictional area.
30. To grant permission to access of records of council to any individual who applies thereof and to determine the applicable procedure in this regard.
31. To make the aerodrome available, free of charge, for air shows in terms of the Aerodrome By-laws.

32. To approve application for motor vehicle allowance by officials who qualify in terms of council's policy.
33. To approve the use of the caravan park for other purposes.
34. To grant permission for the use the Tree Park by members of public or organizations.
35. To sign purchase/alienation documents related to property transactions on behalf of Council.
36. To approve the usage of Municipal halls by the public and organizations..
37. To approve awards to employees that have achieved a 20 year uninterrupted service in Council's employ, in accordance with the policy of Council.
38. The further delegation of powers to Heads of Departments of practical subjects such as approval of leave, etcetera: Provided a full report on such delegated powers be first submitted to Council.

#### **6. HEADS OF DEPARTMENTS**

Present delegated powers of elementary practical nature which are not reflected in the above proposed delegations should remain vested in each Head of Department subject to review by Municipal Manager, and submission of a report to Executive Committee at a later stage.

DelegationOfPowers\_itm

(MM/ALL DIRS)

### **CONFIDENTIAL**

#### **ITEM CA.62.15.08.07**

**PERSONNEL: EXPIRY OF EMPLOYMENT CONTRACT: FEBRUARY 2008: MS A F MUTHAMBI**  
(SP 2/23; 5/3/4/1)

**REMARK:**

Cllr K D Mauba duly seconded by Cllr J Dzhombe proposed that the matter be deferred to a Special Council meeting. The proposal was accepted in general and recorded as Council's Resolution.

RESOLVED CA.62.15.08.07 –

THAT the matter be deferred to a Special Council meeting.

(DCS)

EmploymentMunicipalManager\_itm

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The meeting was closed and adjourned at 18:11.

Approved and confirmed in terms of the provisions of section 27 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), by a resolution of the Council passed at the meeting held on 25 October 2007.

