

# MAKHADO LOCAL MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE EIGHTY THIRD (83<sup>rd</sup>) COUNCIL MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS SCHEDULED FOR 27 JULY 2017 THEN POSTPONED AND HELD ON TUESDAY, 1 AUGUST 2017 AT 14:00 IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, KROGH STREET, MAKHADO.

### PRESENT

#### Councillors

BABADU, T M  
BALIBALI, T  
BALOYI, R S  
CHILILO, N F  
DAVHANA, N D  
FURUMELA, M G  
GABARA, M J  
HLONGWANE, F B  
KUTAMA, N  
KUTAMA, T  
LUDUVHUNGU, V S  
LUKHELI, J  
MACHETE, M S  
MADULA, S  
MADUWA, E  
MADUWA, L G  
MADZHIGA, F N  
MAFHALA, N A  
MAGADA, M R  
MALANGE, T M  
MALIMA, M E  
MALIVHA, M V  
MALULEKE, K M  
MAMAFHA, T C  
MAMAFHA, T J  
MAMOROBELA, T P  
MAPHUBU, K  
MASHAMBA, M A  
MASIPA, M L  
MASUKA, S

MASUTHA, L G  
MATHALISE, L M  
MBOYI, M D  
MOGALE, L B  
MOHLABA, T J  
MOKGOADI, M R  
MTHOMBENI, S Z  
MUKHARI, M F  
MUKWEVHO, G T  
MUKWEVHO, T D  
MULEFU, M E  
MUNYAI, N  
MUNYAI, N S  
MUSANDIWA, P N  
NDOU, M D  
NDOU, M N  
NEMUDZIVHADI, N S  
NETHULWE, M F  
RALIPHADA, R  
RAMAVHOYA, K S  
RAPHALALANI, A A  
RASHAMUSE, A G  
RATSHIKUNI, D  
SESHOKI, T  
SIMANGWE, N J  
SINYOSI, S M  
TAMBANI, T E  
TSHIAMBWA, L R  
TSHIFURA, S S  
TSHILAMBYANE, M S

#### Traditional Leaders

KUTAMA, P V  
NETSIANDA, P

MPHEPHU, M M

#### Officials

M J KANWENDO	(ACTING MUNICIPAL MANAGER & DIRECTOR COMMUNITY SERVICES)
N C KHARIDZHA	(DIRECTOR CORPORATE SERVICES)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT PLANNING)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
C W MOLOKOMME	(DIRECTOR TECHNICAL SERVICES)
W S MATHONSI	(SARGENT OF ARMS)
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. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED –

THAT leave of absence be granted in accordance with the provisions of clause 21 of the Council's Rules of Orders, 2016 published under Provincial Gazette Notice no. 2736 dated 29 July 2016 in respect of the Council meeting held on 1 August 2017 to Cllrs S I Bulala, A du Plooy, T E Dzivhani, N B Jones, A Matumba, M J Mpashe, M G Phoshoko, G M Ramushavha, T A Maraga, E T Sithi, G Tshibvumo, M C Nematandani and M A Selapzana.

### REMARK:

- (i) The following councillors were absent from the Council meeting held on 1 August 2017: Cllrs R T Maingo and S S Nyelisani.
- (ii) Khosi T G Muila, Hosi H S Mukhari, Hosi S T Mukhari, Khosi V C Ramabulana, Khosi N T L Mashamba, Khosi R H Sinthumule and Khosi F Molema did not attend the meeting.

## 3. OFFICIAL ANNOUNCEMENTS

- 3.1 The Speaker, Cllr L B Mogale announced the presence of Mr K M Molokomme, Magistrate who would officiate the swearing in of newly appointed Councillors, T Seshoki and R S Baloyi. (Cllr T Seshoki has replaced the former Cllr P K Maringa and Cllr R S Baloyi fills the vacancy of the late Cllr M Q Maphaha).

Mr K M Molokomme, Magistrate officiated the swearing in of Oath or Affirmation by Councillor T Seshoki and Cllr R S Baloyi.

He conducted the declaration ceremony of the Oath during which the Councillors participated in declaring according to the following wording:

*"Oath: I swear that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other laws of the Republic of South Africa, and I solemnly promise to perform my functions and duties as a councillor of Makhado Local Municipality to the best of my ability. So help me God."*

The duly signed Oaths were filed in Council's official records.

- 3.2 The Speaker, Cllr L B Mogale announced that a representative from Coghsta, R G Ngobeni was attending the Council meeting.

- 3.3 The Speaker, Cllr L B Mogale announced that all the Councillors who did not yet complete the Declaration of Interest forms for Councillors must collect the forms from the Office of the Speaker as a matter of urgency, and complete it as required for compliance.

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

##### 4.1 Condolences

None

##### 4.2 Congratulations

The Speaker, Cllr L B Mogale proposed congratulations to the following councillors who celebrated their birthdays since the last ordinary Council meeting held on 26 April 2017:

Cllr T D Mukwevho	16 April 2017
Cllr S Madula	2 May 2017
Cllr M E Mulefu	6 May 2017
Cllr M G Phoshoko	4 May 2017
Cllr S I Bulala	4 May 2017
Cllr K M Maluleke	9 May 2017
Cllr N S Nemudzivhadi	10 May 2017
Cllr N B Jones	10 May 2017
Cllr T E Dzivhani	10 June 2017
Cllr A A Raphalalani	13 June 2017
Cllr I Balibali	20 June 2017
Cllr M C Nematandani	25 June 2017
Cllr T E Tambani	26 June 2017
Cllr A G Rashamuse	26 June 2017
Cllr T A Maraga	28 June 2017
Cllr M J Gabara	30 June 2017
Cllr N A Mafhala	2 July 2017
Cllr R T Maingo	9 July 2017
Cllr M F Mukhari	11 July 2017
Cllr S M Sinyosi	13 July 2017

#### 5. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY PARTY SPOKESPERSONS

5.1 The Chief Whip, Cllr M D Mboyi read the following:

(i) Ray Phiri

During the month of July 2017, the country lost the lives of many prominent people in various sectors. On 12 July 2017 the nation learned of the passing of music icon Ray Chikapa Phiri, who died at the age of 70. Ray Phiri touched and changed many lives through his music. Some of his tracks, such as Phinda Mzala and Whispers in the Deep were known by many during the 80s and 90s. May his soul rest in peace.

(ii) Ronnie Mamoepa

We have gathered here today, as the nation continues to mourn the passing of Cde Ronnie Mamoepa, who was an activist during the struggle against the apartheid government. Cde Ronnie was arrested and sent to Robin Island at a tender age of 19. Post 1994, Cde Ronnie was elected as a member of the Gauteng Provincial Legislature. He served as a member of the housing as well as the safety and security portfolio committees. After serving in various portfolio committees, he became the presidential spokesperson to President Thabo Mbeki in June 1999. In 2000, he was

appointed as the spokesperson of the Minister of Foreign Affairs, Dr Nkosazana Dlamini Zuma.

In June 2014, Cde Ronnie was seconded to the presidency and appointed as spokesperson to Deputy President Cyril Ramaphosa and Head of the Deputy President's Communication Team. Cde Ronnie held this position until his passing on 22 July 2017. May the soul of this comrade and a great communicator rest in peace.

(iii) Cde Irene Mutsila

Cde Mutsila was the former Executive Mayor of Vhembe District Municipality. She passed away on Sunday, 30 July 2017.

(iv) Tiny Ramapala

The ANC Makhado Caucus wishes to extend our most heartfelt condolences to the Ramapala family in Ward 27, after the gruesome murder of their daughter, Tiny Ramapala on 23 July 2017. She was laid to rest on 29 July 2017. May her soul rest in peace.

(v) Two deaths at FNB Stadium

On Saturday, 29 July 2017, as thousands of soccer lovers were enjoying the Carling Black Label Cup, the nation was shocked by the reports of a stampede that occurred at gate J of the FNB Stadium. It is events like this which reminds the nation of the ugly scene that happened at Ellis Park Stadium on 11 April 2001. One of the deceased has been identified as 30 year old Prince Chauke from Ha-Bungeni. May their souls rest in peace.

(vi) Two deaths at Makhado Annual Show

On the very same Saturday, 29 July 2017 as residents of Makhado Local Municipality were celebrating the Makhado Annual Show, which was a success, we woke up on Sunday to learn about the two souls that were lost shortly after the Show was closed. The incidents that led to those deaths did not occur inside the show grounds but happened outside hence the security were only informed later that there are criminal activities taking place outside. As the ANC Makhado caucus we wish to convey our heartfelt condolences to the grieving families and wish that the law enforcement will do everything they can to bring the perpetrators to book. May the souls of the deceased rest in peace.

(vii) Congratulatory Message and Women Month

- (a) The Makhado ANC Caucus wishes to congratulate the collective leadership of the Municipality in hosting a successful "Makhado Annual Show" that was officially opened on the 27<sup>th</sup> and ended on the 29<sup>th</sup> of July 2017. Our administrators have done a very good job.
- (b) The ANC Makhado Caucus wishes to congratulate the ANC Lekgotla on resolving that every child from a family that earns less than R350,000 per annum must be able to study at tertiary level for free. The ANC really cares about the future of our country. Our children demanded free quality education and the people's movement is giving them that from January 2018.
- (c) Today is the 1<sup>st</sup> of August, which marks the beginning of women month. We are still speaking strongly against any form of violence aimed at women and children. Women play a vital role in our communities and we need to love and respect them.
- (d) We also wish to thank the ANC led government for fast tracking the process of reconstruction of houses that were destroyed by a storm on the 24<sup>th</sup> December 2016 in Ward 3. Most of the damaged houses have been reconstructed and it is all thanks to the ANC.

## **6. CONFIRMATION OF MINUTES**

### **6.1 REMARK:**

Upon proposal by Cllr N F Chililo, duly seconded by Cllr S Masuka, it was -

RESOLVED -

THAT the minutes of the 82<sup>nd</sup> Council meeting held on 26 April 2017, 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 D Ndou, duly seconded by Cllr K M Maluleke, it was -

RESOLVED -

THAT the minutes of the 120<sup>th</sup> Special Council meeting held on 30 May 2017, 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 F N Madzhiga, duly seconded by Cllr G Mukwevho, it was -

RESOLVED -

THAT the minutes of the 120<sup>th</sup> Adjourned Special Council meeting held on 31 May 2017, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

### **6.4 REMARK:**

Upon proposal by Cllr N F Chililo, duly seconded by Cllr S Masuka, it was -

RESOLVED -

THAT the minutes of the 121<sup>st</sup> Special Council meeting held on 29 June 2017, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

### **6.5 REMARK:**

Upon proposal by Cllr N A Mafhala, duly seconded by Cllr N F Chililo, it was -

RESOLVED -

THAT the minutes of the 122<sup>nd</sup> Special Council meeting held on 19 July 2017, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

## 7. QUESTIONS OF WHICH NOTICE HAD BEEN GIVEN

### 7.1 QUESTION RECEIVED FROM CLLR M G FURUMELE ON 31 MARCH 2017

The questions that were received were dealt with under the provisions of clause 37 of the Council's Rules of Orders, 2016 published in Provincial Gazette No. 2736 dated 29 July 2016. The Speaker put item 7.1 and ruled that the Chairperson of the Executive Committee reply to the questions. The Chairperson of the Executive Committee proceeded accordingly and replied to the seven questions, as recorded below:

#### “Question 1

How many phases of Xitachi to Jiweni Access Road Construction?

#### Answer:

*Number of phases will be determined by the availability of funds.*

#### Question 2

In which ward is the road, Xitachi to Jiweni Access, being constructed?

#### Answer:

*Current phase is in Ward 31.*

#### Question 3

What is the original ward where the road (Xitachi to Jiweni) is supposed to be constructed?

#### Answer:

*The project was not ward based but was earmarked for the road which accesses both Wards 15 & 31.*

#### Question 4

Was there any problem or complaints received from the community stakeholders with regards to the construction of the road at Ward 31?

#### Answer

*Yes*

#### Question 5

Who are the stakeholders lodged complaints?

#### Answer:

*Soutpansberg Taxi Association, representatives of Xitachi/Jiweni Block and Huhlwani Royal Council*

#### Question 6

Were they answered?

#### Answer:

*Yes*

#### Question 7

What is the municipality doing to address the complaints?

#### Answer:

*The Municipality will implement phase 2 of the project in 2017/18 financial year.”*

## 8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETING

None

## 9. REPORT OF COUNCIL COMMITTEES: JULY 2017

### 9.1 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 2017

435<sup>th</sup> Executive Committee Meeting: 27 July 2017  
436<sup>th</sup> Executive Committee Meeting: 1 August 2017

### 9.2 Report of the respective Section 79 Oversight Committees in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): July 2017

14<sup>th</sup> Section 79 Oversight Committee: Corporate Services meeting held on 31 July 2017  
9<sup>th</sup> Section 79 Oversight Committee: Development Planning meeting held on 31 July 2017  
9<sup>th</sup> Section 79 Oversight Committee: Finance meeting held on 31 July 2017  
8<sup>th</sup> Section 79 Oversight Committee: Technical Services meeting held on 31 July 2017

#### (REMARK:

- Items A.72.30.05.17 to CA.86.30.05.17 were already considered at the 120<sup>th</sup> Special Council meeting held on 30 May 2017.
- Item CA.87.30.05.17 was already considered at the 120<sup>th</sup> Adjourned Special Council meeting held on 31 May 2017.
- Items A.88.29.06.17 to A.109.29.06.17 were already considered at the 121<sup>st</sup> Special Council meeting held on 26 June 2017.
- Item A.110.19.07.17 was already considered at the 122<sup>nd</sup> Special Council meeting held on 19 July 2017.)

#### ITEM A.111.01.08.17

### COUNCIL AND EXECUTIVE COMMITTEE MEETINGS: JANUARY 2018 TO DECEMBER 2019 (4/2/1 & 4/3/1)

RESOLVED A.111.01.08.17 (COUNCIL)

- THAT the program of meetings of Council and its Committees for the period 1 January 2018 to 31 December 2018 be adopted and meetings be convened accordingly, as set out herein below:

#### CALENDAR YEAR 2018

Table 1

JANUARY 2018 TO DECEMBER 2018		
EXECUTIVE COMMITTEE 10h00 Thursday	PORTFOLIO COMMITTEES 09H00 onwards Monday, Tuesday, Wednesday	COUNCIL 14h00 Thursday
11 January 2018 18 January 2018 *2016/17 Draft Annual Report consideration	15, 16 and 17 January 2018 22, 23 January 2018 *Draft Annual Report consideration	25 January 2018 (Ordinary quarterly meeting (1)) *2016/17 Draft Annual Report consideration
8 and 15 February 2018	12, 13, 14 February 2018 19, 20 February 2018	<b>22 February 2018 (Special meeting(1))</b> <i>Only for approval of 2017/18 Adjustment Budget</i>
8 and 22 March 2018 2018/19 Draft Budget consideration 2018/19 Draft IDP consideration 2016/17 Final Annual Report approval	12, 13, 14 March 2018 26, 27 March 2018 Draft Budget consideration Draft IDP consideration Final Annual Report consideration	<b>29 March 2018 (Special meeting (2))</b> <i>Only for 2018/19 Draft Budget consideration, 2018/19 Draft IDP consideration and the 2016/17 Final Annual Report approval</i>
5 and 19 April 2018	9, 10, 11 April 2018 23, 24 April 2018	26 April 2018 (Ordinary quarterly meeting (2))
10 and 24 May 2018	14, 15 and 16 May 2018	<b>31 May 2018 (Special meeting (3))</b>

<b>JANUARY 2018 TO DECEMBER 2018</b>		
<b>EXECUTIVE COMMITTEE 10h00 Thursday</b>	<b>PORTFOLIO COMMITTEES 09H00 onwards Monday, Tuesday, Wednesday</b>	<b>COUNCIL 14h00 Thursday</b>
	28 and 29 May 2018	<i>Only for approval of Final 2018/19 Budget and IDP and Final SDBIP 2018/19</i>
7 and 21 June 2018	11, 12, 13 June 2018 25, 26 June 2018	None
5 and 19 July 2018 <i>*Final 2018/19 SDBIP approval</i>	9, 10, 11 July 2018 23, 24 July 2018	26 July 2018 (Ordinary quarterly meeting (3)) <i>*Final 2018/19 SDBIP approval</i>
8 and 23 August 2018	13, 14, 15 August 2018 27, 28 August 2018	None
6 and 20 September 2018	10, 11, 12 September 2018 25, 26 September 2018	None
4 and 18 October 2018	8, 9, 10 October 2018 22, 23 October 2018	25 October 2018 (Ordinary quarterly meeting (4))
8 and 22 November 2018	12, 13, 14 November 2018 26, 27 November 2018	6 December 2018 (Special meeting (4), only if required)

(DCS)

2. THAT notices of all Council meetings be distributed by the Department Corporate Services no less than seven (7) days in advance of the date of the meeting, as more fully required by the Standing Rules of Order, 2016, clause 4 to clause 6 promulgated in Provincial Gazette No 2736 of 29 July 2016.

(DCS)

3. THAT in order to comply with requirements of the Local Government Municipal Finance Management Act, 2003 read with the Local Government Municipal Systems Act, 2000, the following Special Council meetings be held during Calendar Year 2018 -

3.1 for consideration of the 2017/18 Adjustment Budget, if applicable, on 22 February 2018;

3.2 for consideration of the Draft Estimates 2018/2019 and the Draft IDP 2018/2019 and the Final Annual Report 2016/2017 on 29 March 2018;

3.3 for consideration of the final Estimates 2018/19 and final Integrated Development Plan 2018/19 on 31 May 2018.

(CFO)

4. THAT a Special Council meeting before Council recession during December 2018 be held on 6 December 2018 in order to consider any outstanding issues before the commencement of the 2<sup>nd</sup> and last half of the 2018/2019 financial year.

(CFO)

5. THAT the program of meetings of Council and its Committees for the period 1 January 2019 to 31 December 2019 be adopted and meetings be convened accordingly, as set out herein below:



## CALENDAR YEAR 2019

Table 2

JANUARY 2019 TO DECEMBER 2019		
EXECUTIVE COMMITTEE 10h00 Thursday	PORTFOLIO COMMITTEES 09H00 onwards Monday, Tuesday, Wednesday	COUNCIL 14h00 Thursday
17 and 24 January 2019 <i>*Draft Annual Report 2017/18</i>	21, 22, 23 January 2019 28, 29 January 2019 <i>*Draft 2017/18 Annual Report consideration</i>	31 January 2019 (Ordinary Quarterly meeting) (1) <i>*Draft 2017/18 Annual Report</i>
7 and 21 February 2019	11, 12, 13 February 2019 25, 26 February 2019	<b>28 February 2019 (Special meeting) (1)</b> <i>Only for 2018/19 Adjustment Budget</i>
7 and 20 March 2019 <i>2019/20 Draft Budget</i> <i>2019/20 Draft IDP</i> <i>Final 2017/18 Annual Report</i>	11, 12, 13 March 2019 25, 26 March 2019	<b>28 March 2019 (Special meeting) (2)</b> <i>Only for 2019/20 Draft Budget,</i> <i>2019/20 Draft IDP and</i> <i>Final 2017/18 Annual Report</i>
4 and 18 April 2019	8, 9, 10 April 2019 23, 24 April 2019	25 April 2019 (Ordinary quarterly meeting) (2)
9 and 23 May 2019 <i>Approval of final 2019/20 Budget and IDP</i>	13, 14, 15 May 2019 27, 28 May 2019 <i>Approval of final 2019/20 Budget and IDP</i>	<b>30 May 2019 (Special meeting) (3)</b> <i>Only for approval of final 2019/20 Budget and IDP</i>
6 and 20 June 2019	10, 11, 12 June 2019 24, 25 June 2019	None
4 and 18 July 2019 <i>*Final 2019/20 SDBIP</i>	8, 9, 10 July 2019 22, 23 July 2019	25 July 2019 (Ordinary quarterly meeting) (3) <i>*Final 2019/20 SDBIP</i>
8 and 22 August 2019	12, 13, 14 August 2019 26, 27 August 2019	None
5 and 19 September 2019	9, 10, 11 September 2019 23 September 2019	None
10 and 24 October 2019	14, 15, 16 October 2019 28, 29 October 2019	31 October 2019 (Ordinary quarterly meeting) (4)
7 and 21 November 2019	11, 12, 13 November 2019 25, 26 November 2019	5 December 2019 <b>Special meeting (4), only if required</b>

(DCS)

6. THAT in order to comply with requirements of the Local Government Municipal Finance Management Act, 2003 read with the Local Government Municipal Systems Act, 2000, the following Special Council meetings be held during the Calendar Year 2019 -

6.1 for consideration of the 2018/19 Adjustment Budget, if applicable, on 28 February 2019;

6.2 for consideration of the Draft Estimates 2019/20 and the Draft IDP 2019/20 and the Final Annual Report 2017/2018 on 31 March 2019;

6.3 for consideration of the final Estimates 2019/20 and final Integrated Development Plan 2019/20 on 30 May 2019.

(CFO)

7. THAT a Special Council meeting before Council recession during December 2019 be held on 5 December 2019 in order to consider any outstanding issues before the commencement of the 2<sup>nd</sup> and last half of the 2019/2020 financial year. (DCS)

MeetingsDates2018&2019\_itm

**ITEM A.112.01.08.17**

**REPORTING: SUBMISSION OF WARD COMMITTEE'S ACTIVITIES: QUARTER 3, 2016/2017 FINANCIAL YEAR (10/1/5/1)**

RESOLVED A.112.01.08.17 (COUNCIL)

1. THAT Council takes note of the Ward Committees' activities for Quarter 3 of the 2016/2017 financial year and the attendance of the Ward Committee meetings for three regions. (DCS)
2. THAT Council takes note of the challenges to submit portfolios of evidence for public meetings. (DCS)

WardCommitteesQ3 2016-2017\_itm

**ITEM A.113.01.08.17**

**REPORTING: SUBMISSION OF WARD COMMITTEE'S ACTIVITIES: QUARTER 4, 2016/2017 FINANCIAL YEAR (10/1/5/1)**

RESOLVED A.113.01.08.17 (COUNCIL)

1. THAT Council takes note of the Ward Committees' activities for Quarter 4 of the 2016/2017 financial year and the attendance of the Ward Committee meetings for three regions. (DCS)
2. THAT Council takes note of the challenges to submit portfolios of evidence for public meetings. (DCS)

WardCommitteesQ4 2016-2017\_itm

**ITEM A.114.01.08.17**

**ELECTIONS: COUNCILLOR - FILLING OF VACANCY OF PROPORTIONAL REPRESENTATIVE OF THE ANC PARTY, 2017 (3/2/5; 3/2/6)**

**REMARK:**

This item was considered as first part of Council's business.

RESOLVED A.114.01.08.17 (COUNCIL) -

THAT it be noted that in terms of Clause 18, Schedule 1 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), **Mr Samson Rulani Baloyi**, Identity number 570613 5662 085, has been declared duly elected as Councillor of Makhado Municipality by the Municipal Electoral Officer **with effect of 19 July 2017** to fill the vacancy that came about due to the death of former Cllr Mashudu Queen Maphaha on 10 April 2017.

CoucillorReplaceJuly2017\_itm

(DCS)

**ITEM A.115.01.08.17****ELECTIONS: REPLACEMENT OF ONE (1) COUNCILLOR: XIMOKO PARTY, 2017  
(3/2/5; 3/2/6)****REMARK:**

This item was considered as first part of Council's business.

RESOLVED A.115.01.08.17 (COUNCIL) -

THAT note be taken of the replacement of Cllr P K Maringa, Identity Number 710602 5839 083, Ximoko Party, by Mr Thomas Seshoki with Identity Number 631011 5051 085, Ximoko Party being the candidate at the top of the Ximoko Party List, as had been declared elected with effect of 21 July 2017 in terms of a Notice received from the IEC, Makhado on 21 July 2017, as more fully set out in Annexure A attached to the report in this regard. (DCS)

ReplaceXimokoParty2017\_itm

**ITEM A.116.01.08.17****FINANCES: REQUEST FOR CONDONEMENT OF FRUITLESS AND WASTEFUL  
EXPENDITURE: INTEREST ON OVERDUE ACCOUNTS  
(6/13/2/3 & 10/1/5/2)**

RESOLVED A.116.01.08.17 (COUNCIL)

1. THAT Council Resolution A.90.29.06.17 be herewith revoked. (CFO)
2. THAT Council condone the fruitless and wasteful expenditure in the amount of R598,38 which was incurred during March 2017 and April 2017, when due to cash flow management and control, the Eskom and Telkom invoices were not paid on due dates, which resulted in interest charges, as well as the omitted opening balances as per Auditor General Finding of R4,022,930.02 as more fully recorded in the report and reflected in Annexure A attached to the report in this regard. (CFO)
3. THAT the fruitless and wasteful expenditure in the amount of R598.38 and the omitted opening balances of R4,022,930.02 be referred to the Municipal Public Account Committee for investigation as required by section 4 of the Municipal Regulations on Financial Misconduct, Procedures and Criminal Proceedings, and submission of its recommendations herein to Council. (DCS)
4. THAT a letter be submitted to National Treasury and MEC of Coghsta that Council has considered the items relating to Section 32 non-compliance and have evaluated reasons for condoning it, and found it in order. (CFO)
5. THAT should items not be condoned after Council analysis and National Treasury approval of the non-compliance aspect to the MFMA, such items continue to be disclosed as irregular expenditure in the financial statements for 2016/2017 financial year. (CFO)

FruitlessExpenditureInterest\_itm(2)

**ITEM A.117.01.08.17**

**FINANCES: PROCUREMENT: CLAUSE 36: QUOTATION DEVIATIONS: 4<sup>th</sup> QUARTER: 2016/2017 FINANCIAL YEAR (10/1/5/2)**

**REMARK:**

Council approved the recommendation of the Section 79 Oversight Committee: Finance as recorded herein below.

RESOLVED A.117.01.08.17 (COUNCIL)

1. 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 Quarter 4 of the 2016/2017 financial year in the amount of R2,432,625.07 and which each was duly approved by the Accounting Officer before it was procured, be condoned by Council. (CFO)
2. THAT on page EC 2017/3105, Impoundment Receipt Book amounting to R26 266.90, it be referred to the Municipal Public Account Committee for investigation and their finding and recommendation be submitted to Council. (DCS)

QuotationDeviation4thQuarter2016-2017\_itm

**ITEM A.118.01.08.17**

**FINANCES: PROCUREMENT: CLAUSE 36: DEVIATION FROM PROCUREMENT PROCESSES: APPOINTMENT OF GREENTIME MANAGEMENT CONSULTING (PTY) LTD TO UNDERTAKE AN INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY MUNICIPAL MANAGER (10/1/5/2)**

**REMARK:**

Council approved the recommendation of the Section 79 Oversight Committee: Finance as recorded herein below.

RESOLVED A.118.01.08.17 (COUNCIL)

1. THAT in terms of clause 36 of the Municipal Supply Chain Regulations, 2005 promulgated under the Local Government: Municipal Finance Management Act, 2003, expenditure of R1,561,621.00 procured by deviation as indicated in the report in this regard, be condoned by Council. (CFO)
2. THAT the matter be referred to the Municipal Public Account Committee to investigate the breakdown of R1,561,621.00 paid to Greentime Management Consulting (Pty) Ltd, and to submit their finding to Council. (DCS)

DeviationGreentime\_itm

**ITEM A.119.01.08.17****FINANCES: TENDERS /CONTRACTS WHICH TERM PERIODS WERE EXTENDED  
(10/1/5/2)****REMARK:**

1. When this matter was considered, Cllr N Kutama proposed, duly seconded by Cllr N S Munyai that in future the report must also include a column that indicates the reason for the extension. The proposal was accepted in general and recorded as paragraph 3 of Council's Resolution.
2. Council approved the recommendation of the Section 79 Oversight Committee: Finance as recorded herein below.

**RESOLVED A.119.01.08.17 (COUNCIL) -**

1. THAT the extension of thirteen (13) contracts under respective tenders by the Accounting Officer be noted and condoned by the Council, as listed in the report in this regard. (CFO)
2. THAT the Chairperson of Section 79 Oversight Committee: Finance must research and submit his findings to the said Committee on whether meter reading should be conducted by municipal employees, or whether it be outsourced by tender process. (CFO/DCS)
3. THAT in future the report must also include a column that indicates the reason for the extension.

ExtendedContracts\_itm

(CFO)

**ITEM A.120.01.08.17****FINANCES: IMPLEMENTATION: MUNICIPAL SUPPLY CHAIN MANAGEMENT  
POLICY, 2016: 2016/2017 FINANCIAL YEAR  
(1/3/54/1 & 10/1/5/2)****RESOLVED A.120.01.08.17 (COUNCIL)**

THAT note be taken of the implementation of Supply Chain Management Policy, 2016 during the 2016/2017 financial year which report is submitted in order for the Council to exercise its oversight role in terms of section 6 of the Municipal Supply Chain Management Policy, 2016. (CFO)

Implementation 2016-2017SCMPolicy\_itm

**ITEM A.121.01.08.17****REPORT: MUNICIPAL INFRASTRUCTURE GRANT (MIG): 4<sup>th</sup> QUARTER: 2016/2017  
FINANCIAL YEAR  
(16/8/1 & 10/1/5/3)****RESOLVED A.121.01.08.17 (COUNCIL)**

THAT Council takes note of the fourth (4<sup>th</sup>) quarter report in relation to the implementation of the Municipal Infrastructure Grant (MIG) for 2016/17 financial year. (DTS)

ImplementationMIG Q4 2016-2017\_itm

**ITEM A.122.01.08.17****REPORT: MUNICIPAL EXTENDED PUBLIC WORK PROGRAMME (EPWP) GRANT: 4<sup>th</sup> QUARTER: 2016/2017 FINANCIAL YEAR (16/8/1 & 10/1/5/3)**

RESOLVED A.122.01.08.17 (COUNCIL)

THAT Council takes note of the 4<sup>th</sup> quarter report in relation to the implementation of the Expanded Public Works Programme (EPWP) for 2016/17 financial year. (DTS)

ImplementationEPWP Q4 2016-2017\_itm

**ITEM A.123.01.08.17****COUNCIL LAND: PROPOSED TEMPORARY USE: OLD MUNICIPAL CALL CENTRE, ELTI VILLAS: SABC MAKHADO FM (EE235 & 7/3/2/1)**

RESOLVED A.123.01.08.17 (COUNCIL)

THAT the proposed temporary use of the former municipal Disaster Centre building on a portion of Remainder of Portion 7, Farm Bergvliet, for purpose of broadcasting received from Mr Makonde Mbedzi as the Station Manager acting on behalf of the SABC Makhado FM be approved, subject to the following conditions:

1. The term of use of the building be for a period of two (2) years at nominal rental determined by Finance Department starting from the date of signing of agreement with the municipality.
2. A memorandum of agreement be made and entered into between Makhado Local Municipality and the Station Manager acting on behalf of the SABC Makhado FM.
3. The applicant be informed in terms of the provisions of clause 13(1) of the Municipal Immovable Property (Land) Disposal Policy that a request in the above regard cannot be advertised unless first confirmed in writing that he/she will bear all costs relative to the advertisement on the local newspapers.
4. The approval is further subject to the following conditions:
  - 4.1 **Electricity** The old call centre next to the Elti Villas taxi rank is still occupied by the electrical standby personnel and cannot be rent out before the new standby facilities for electrical personnel are ready for occupation. The erf has a supply capacity of 37kVA. 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.

4.2 **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.

4.3 **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.

4.4 **Property Rates:** The Municipality is the landowner and does not collect property rates from lessees/tenants. (DDP)

ProposedUseMakhadoFM\_itm

\* \* \* \* \*

### **9.3 Resolutions of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): May to July 2017**

**(REMARK:**

1. Items B.17.23.05.17 to B.19.23.05.17 were already considered at the 120<sup>th</sup> Special Council meeting held on 30 May 2017.
2. Items B.20.26.06.17 to B.24.26.06.17 were already considered at the 121<sup>st</sup> Special Council meeting held on 26 June 2017.)

\* \* \* \* \*

#### 10. PETITIONS

None

#### 11. NEW MOTIONS

##### 11.1 **MOTION NO. 225: RECEIVED ON 21 JUNE 2017**

Motion no. 225 dated 21 June 2017 was submitted in terms of the provisions of clause 28 of the Council's Rules of Order published in Provincial Gazette No. 2736 dated 29 July 2016, proposed by Cllr T A Maraga and seconded by Cllr S I Bulala.

The Speaker, Cllr L B Mogale called the proposer of the motion to read the motion.

The proposer, Cllr T A Maraga was absent from the meeting.

In terms of the provisions of clause 28.3 of the Rules of Order, 2016, Motion no. 225 then lapsed.

\* \* \* \* \*

The meeting was closed and adjourned at 15:38.

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 the first following Council meeting of 26 October 2017.

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CHAIRPERSON

MDM/lh/CouncilMinutes\_83