

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SUPPORT AND SHARED SERVICES

MINUTES OF THE EIGHTY EIGHTH (88TH) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS SCHEDULED FOR 27 FEBRUARY 2014 THEN ADVANCED AND HELD ON WEDNESDAY, 26 FEBRUARY 2014 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 12:00.

PRESENT

Councillors

BALOYI, S R	MATODZI, M T
BALOYI, N B	MATUMBA, M T
CHILILO, N F	MATUMBA, N J
DAVHANA, D	MBOYI, M D
DU PLOOY, A	MMBADI, T A
HLABIOA, M M	MOGALE, L B
LERULE-RAMAKHANYA, M M	MUDAU, T S
LUDERE, E H	MUKHARI, M F
LUDERE, R	MULOVHEDZI, M D
LUDUVHUNGU, V S	MUTAVHATSINDI, F D
MACHETE, M S	MUTELE, T M
MADZHIGA, F N	NDWAMMBI, M T
MAGADA, M R	NELUVHOLA, A T
MAHLADISA, S V	NEMAFHOHONI, M G
MAKHUBELA, R T	NETSHIVHULANA, T P
MAKHUVHA, V S	NGOBENI, N E
MALANGE, R	RASIMPHI, M P
MALANGE, T M	RATSHIKUNI, D T
MALIMA, M E	RATSHIVHOMBELA, M Q
MAMAFHA, T J	REKHOTSO, S M
MAMATSIARI, M S	RIKHOTSO, F J
MAMOROBELA, T P	SELEPE, M R
MAPHAHLA, A Z	SHANDUKANI, M J
MAPHALA, O S	SINYOSI, S M
MASUKA, S	THANDAVATHU, R
MATHAVHA, H F	TSHILAMBYANA, M S
MATHOMA, M P	UNDERWOOD, J P

Traditional Leaders

KHOSI T R V MASHAU

Officials

I P MUTSHINYALI	(MUNICIPAL MANAGER)
L N RAGIMANA	(ACTING DIRECTOR TECHNICAL SERVICES)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT & PLANNING)
N C KHARIDZHA	(ACTING DIRECTOR CORPORATE SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

* * * * *

1. OPENING

The Speaker, Cllr L B Mogale ruled that a minute of silence be observed for meditation and prayer, where after she declared the meeting officially opened.

REMARK:

Cllr R Ludere proposed, duly seconded by Cllr S Masuka that the meeting be adjourned for some few minutes for the caucus of the ANC. The proposal was adopted in general and the Speaker adjourned the meeting for five minutes.

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 26 February 2014 to Cllrs N G Ndzovela, L M Mathalise, F F Madavhu, N Kutama, S Tshilamyana, M G Mahani, N P Balibali, T C Mamafha, B F Hlongwane, A K Hlungwani, S Z Mthombeni, J Gabara, N S Munyai and P F Mashimbye.

REMARK:

The following Councillors and Traditional Leaders were not present at the meeting:

- 2.1 Cllrs M R Madzivhandila, M P Maxibuko, A J Mukhaha, R G Nkanyane, S D Ramudzuli and I Sakhwari; one vacancy existed with the resignation of former Cllr A Kennealy on 12 February 2014.
- 2.2 Khosi S A Mulima, Khosi M W Netsianda, Khosi N T L Mashamba, K, Khosi R H Sinthumule, Hosi M S Bungeni, Khosi M C Masakona, Hosi H N Majosi, Khosi T P Nesengani, Hosi S T Mukhari, Hosi J Baloyi, Khosi V C Ramabulana, Khosi M A Madzivhandila and Hosi T J Mukhari.

3. OFFICIAL ANNOUNCEMENTS

None

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 with a successful Limpopo Provincial Conference and further congratulated a former Municipal Manager of Makhado Municipality, Ms Faith Muthambi who was elected Member of Provincial Executive Committee and Provincial Working Committee.
- 5.2 Cllr N B Baloyi proposed congratulations to the Democratic Alliance Party with a successful Manifesto Election launch at Polokwane on Sunday, 23 February 2014.

6. **MATTERS CONSIDERED:**

Resolutions of the Council in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 88th Special Council Meeting: 26 February 2014

The report of the 343rd Executive Committee meeting held on 24 February 2014
The report of the 344th Executive Committee meeting held on 26 February 2014

(REMARK: Items A.16.27.02.14 to A.18.24.04.14 will be considered at the ordinary Council meeting scheduled for 24 April 2014)

ITEM A.19.26.02.14 (originally A.19.24.04.14)

COUNCIL LAND: PROPOSED SALE OF LAND: CORNER OF RISSIK STREET AND THE N1 - NATIONAL ROAD (PORTION OF ERF 4296, LOUIS TRICHARDT TOWNSHIP)
(7/3/2/3/34 & 15/3/9)

RESOLVED A.19.26.02.14 -

1. THAT the application of Mr J. Gilfillan acting on behalf of the company Nilo Touch (Pty) Ltd for proposed purchase of land situated at the corner of Rissik Street and N1-National Road (Portion of erf 4296, Louis Trichardt Township) be approved in principle subject to the following conditions: -
 - 1.1. The lessee be consulted concerning the outcome of the Council Resolution,
 - 1.2. The intention to sell land situated at the corner of Rissik Street and N1 – National road be advertised in a local newspaper for comments and objections, if any,
 - 1.3. A market related valuation be performed by a registered professional valuer which will serve as the purchase price for the property,
 - 1.4. The developer submits a development proposal for consideration by the Executive Committee,
 - 1.5. 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 two (2) years,
 - 1.6. 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,
 - 1.7. The developer must submit a full and detailed application including the development proposal for consideration,

- 1.8. The application must amongst other include Traffic Impact Study indicating the area where access will be provided, Environmental Impact Assessment report, flood-line information together with flood-line certificate and proposed sketch diagram,
- 1.9. The standard conditions for the sale of Municipal land will further apply.
- 1.10. The purchaser will be responsible for the rezoning of the land and Council will be not be liable in the event that rezoning is opposed by any stake holder.
- 1.11. 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 he/she will bear costs related to the advertisements and valuation.
- 1.12. The approval is further subject to the following conditions:

1.12.1 **Electricity**: Erf 4296 has an existing electricity supply capacity of 100 kVA. 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:

- (d) 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
- (e) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993
- (f) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality
- (g) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront

1.12.2 **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.

1.12.3 **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.

1.12.4 **Property Rates**: Since Council is the landowner no property rates is presently collected in respect of this land.

(DDP)

2. THAT a legal process be instituted to revoke the ninety-nine (99) years lease agreement concluded between Louis Trichardt Cricket Club and Makhado Local Municipality signed on 17 October 1995. (DDP)

PurchaseOfLandGilfillan

(REMARK: Items A.20.24.04.14 to A.30.24.04.14 will be considered at the ordinary Council meeting scheduled for 24 April 2014)

ITEM A.31.26.02.14 (originally A.31.27.02.14)

FINANCES: COUNCIL APPROVAL OF FORTHCOMING PHASE 1 DEBT WRITE-OFFS OF ARREAR DEBTORS IN THE MUNICIPALITY

(6/10/2, 6/1/1(14/14) & 6/13/2/2)

RESOLVED A.31.26.02.14 -

1. THAT the write-off of amounts be approved as set out in the proposals summary and detailed in the detailed schedule of accounts and write-off amounts as reflected in the report in this regard. (CFO)
2. THAT the write-off be funded through the provision for bad debt and the accumulated surplus of the Municipality. (CFO)
3. THAT cognizance be taken of the additional initiatives taken to improve debtor data quality and that those forthcoming write-offs be approved and stand data verification of possible identified indigent households from the municipality's revenue system. (CFO)

ArrearDebtorsWriteOff_itm

ITEM A.32.26.02.14 (originally A.32.27.02.14)

FINANCES: APPROVED 2013/14 ADJUSTMENT BUDGET (6/1/1(13/14))

RESOLVED A.32.26.02.14 -

1. THAT the 2013/2014 Operational Budget be adjusted in line with proposals as more fully set out in Annexure A attached to the report in this regard. (CFO)
2. THAT Council take note that depreciation was taken into consideration which is a non-cash item of an amount of R137,150,000.00. (CFO)
3. THAT it be noted that Section 80 Finance Committee seek further explanation about the variance of R3,044,688.00 at Waterval Street Rehabilitation and that a report hereof be submitted to the Committee. (CFO)

4. THAT the identification of the site on which the Mayoral House will be developed and drawings of the building plans be completed and be submitted to Council at its meeting of 24 April 2014. (DDP)

AdjustmentBudget_itm

CONFIDENTIAL

CONFIDENTIAL MATTER

CONFIDENTIAL

CONFIDENTIAL MATTER

ITEM A.35.26.02.14 (originally A.35.27.02.14)

**COUNCIL COMMITTEES: REVIEW OF SECTION 79 RULES AND ETHICS COMMITTEE
(4/29/4/3/1)**

RESOLVED A.35.26.02.14 -

1. THAT note be taken of the letter dated 14 February 2014 received from the Speaker of Council about the review of the Section 79 Rules and Ethics Committee formed under Council Resolution A.110.2.08.12. (DCS)
2. THAT the Speaker of the Council be appointed the Chairperson of the Section 79 Rules and Ethics Committee and the former Chairperson, Cllr F N Madzhiga remain as an ordinary member of such Committee. (DCS)

ChairpersonRules&Ethics_itm

ITEM A.36.26.02.14 (originally A.36.27.02.14)

**PERSONNEL: NOMINATION OF FIVE (5) WOMEN COUNCILLORS: INTERNATIONAL TRAINING PROGRAMME ON LOCAL POLITICAL LEADERS - SWEDEN
(5/4/2)**

RESOLVED A.36.26.02.14 -

1. THAT it be noted that SALGA informed that the number of women delegates to participate in an International Training Programme on Local Political Leaders in Sweden during September 2014 may not exceed five (5). (DCS)
2. THAT it be approved that five (5) Women Councillors be designated to attend the International Training Programme on Local Political Leaders in Sweden during September 2014 which is arranged by the International Centre for Local Democracy, as follows:
Cllrs Mogale LB, Ratshikuni DT, Mamorobela TP, Sinyosi SM, Underwood J P. (DCS)

3. THAT it be noted that the International Centre for Local Democracy (ICLD) will be responsible for all costs of the training including travel and accommodation to and from Sweden. (DCS)
4. THAT the Department of Cooperative Governance, Human Settlement and Traditional Affairs, as well as the Office of the Premier in Limpopo be notified that Municipality has delegated five councillors as in paragraph 2 above to participate in an international training programme on local political leaders in Sweden. (DCS)
5. THAT it be noted that the Section 80 Portfolio Committee: Corporate Services is responsible for recommendations of the training portfolio of Council and therefore it is responsible to nominate candidates for training. (DCS)

TrainingSweden_itm

ITEM A.37.26.02.14 (originally A.37.27.02.14)

PERSONNEL: PERSONNEL:

- (1) **EXTENDING PERIOD OF ACTING DIRECTOR CORPORATE SERVICES, 1 MARCH 2014 TO 31 MAY 2014**
- (2) **RECRUITMENT DIRECTOR DEVELOPMENT PLANNING (5/3/4/2/; 5/3/4/9/4; 5/3/4/4/53)**

REMARK:

When this matter was considered by Council, all Directors present at the meeting recused themselves and they did not return to the meeting since this was the last item of the business of the day.

RESOLVED A.36.26.02.14 -

1. THAT subject to approval by the MEC for Local Government, Council approves thereof that Mr Kharidzha N C acts as Director Corporate Services for a further three (3) months from 1 March 2014 to 31 May 2014 in order to enable the administration to conclude on the recruitment and appointment process of a suitable candidate as Director Corporate Services. (DCS)
2. THAT an appeal be lodged with the MEC for Local Government for approval of the acting arrangements as recorded in paragraph 1 above. (DCS)
1. THAT the post of Director Development Planning be advertised in good time in view thereof that the present contract expires on 30 September 2014 and that the panel for short listing and interviews be composed in terms of the provisions of the Regulations on Appointment and Conditions of Employment of Senior Managers promulgated by the Department of Cooperative Governance under Notice No. 21 in Government Gazette No. 37245 dated 17 January 2014. (DCS)

ActingDCS_itm

* * * * *

The meeting was closed and adjourned at 15:07.

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 March 2014.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_88