

# MAKHADO LOCAL MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND THIRD (103<sup>rd</sup>) COUNCIL MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, MAKHADO ON THURSDAY, 27 OCTOBER 2022 AT 14:00.

### PRESENT

#### Councillors

BALOYI, R  
BALOYI, R S  
BALOYI, S E  
CHILILO, N F  
DAVHANA, N D  
DZHIVHUHO, A S  
FURUMELE, M G  
GABARA, M J  
HALGREEN, C D  
HLANGWANI, B  
HLONGWANI, B F  
KUTAMA, T  
MABASA, W  
MABUDU, H G  
MADAVHA, A  
MADZHIGA, F N  
MAGADA, M R  
MAHOSI, N S  
MAKAMU, T T  
MAKHUBELE, F P  
MAKWALA, M R  
MALANGE, M C  
MALANGE, T M  
MAMAFHA, T J  
MAPHAHLA, A Z  
MAPHAKELA, K P  
MAPHUBU, K  
MARAGA, M  
MARAGA, T A  
MASHAMBA, L

MASHAU, P  
MASIPA, P N  
MASUKA, S  
MATUMBA, N J  
MBOYI, M D  
MOKGOADI, M R  
MUKHELI, K  
MUKHUDWANA, R  
MUKOSI, M  
MUKOSI, M R  
MULAUDZI, M E  
MULEFU, M E  
MUNYAI, N  
MUNYAI, N S  
MUSHANDANA, T T  
NGOBENI, T T  
PHANGAMI, L  
PHULUWA, M I  
RALIPHADA, R  
RAMALIVHANA, M  
RAMALWA, M W  
RAVELE, T R  
SEBOLA, D J  
SIMANGWE, N J  
SINGO, M D  
SMALLE, P  
SWALIVHA, M  
TSHILAMBYANA, M S

#### Traditional Leaders

None

#### Officials

K M NEMANAME	(MUNICIPAL MANAGER)
S G MAGUGA	(DIRECTOR CORPORATE SERVICES)
A MABUNDA	(DIRECTOR DEVELOPMENT PLANNING)
J H LUKHELI	(DIRECTOR COMMUNITY SERVICES)
N G RALIPHADA	(ACTING CHIEF FINANCIAL OFFICER)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

\* \* \* \* \*

## 1. OPENING AND NOTICE OF THE MEETING

The Speaker, Cllr M D Mboyi 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 2050"

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

She further confirmed that all members had received notice of the meeting, i.e. by sms, e-mail and hard copy.

## 2. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED –

THAT leave of absence be granted in accordance with the provisions of rule 21 of the Council's Standing Rules of Order, 2016 published under Provincial Gazette Notice no. 2736 dated 29 July 2016 in respect of the Council meeting held on 27 October 2022 to Cllrs N B Jones, N Kutama, R T Maingo, L M Mathalise, M J Mpashe, N A Mudunungu, G T Mukwevho, M D Ndou, N S Nemudzivhadi, N V Malivha, H G Maluleke, T C Mamafha, T C Mashau, M A Selapyana, E T Sithi and I A Tshidavhu.

### REMARK:

The following councillor was absent from the Council meeting held on 27 October 2022: Cllr R Mukhuba.

## 3. OFFICIAL ANNOUNCEMENTS

3.1 The Speaker, Cllr M D Mboyi welcomed the newly appointed Municipal Manager, Mr K M Nemaname who was attending Council's meeting for the first time in his capacity as Municipal Manager, and his newly appointed team of Directors who were also attending Council's meeting for the first time in their capacities as Directors:

Mr S G Maguga, Director Corporate Services,  
Mr H J Lukheli, Director Community Services,  
Mr A Mabunda, Director Development Planning, and  
Mrs D G Siboiboi, Director Technical Services (in absentia)

3.2 The Speaker, Cllr M D Mboyi invited all Ward Councillors together with their Ward Committee Secretaries to attend the Ward Committee Conference on Thursday, 3 November 2022 at Makhado Showground at 09:00.

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

### 4.1 Condolences

None

### 4.2 Congratulations

The Speaker, Cllr M D Mboyi proposed congratulations to the following councillors who celebrated their birthdays since the last ordinary Council meeting held on 28 July 2022:

Cllr M R Mukosi	4 August 2022
Cllr R Mukhuba	8 August 2022
Cllr A Z Maphahla	8 August 2022
Cllr M J Phuluwa	12 August 2022
Cllr E T Sithi	27 August 2022
Cllr A S Dzhivhuho	29 August 2022
Cllr M D Mboyi	8 September 2022
Cllr B Hlangwane	11 September 2022
Cllr R Mukhudwana	12 September 2022
Cllr T M Malange	13 September 2022
Cllr K Maphubu	15 September 2022
Cllr M D Singo	28 September 2022
Cllr M R Mokgoadi	9 October 2022
Cllr T C Mashau	19 October 2022
Cllr M Maraga	29 October 2022
Cllr P Smalle	30 October 2022

## **5. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY PARTY SPOKESPERSON**

- 5.1 Cllr A Z Maphahla proposed congratulations to African People Convention Party for successfully hosting a Workshop at Polokwane on Saturday, 22 October 2022.
- 5.2 Cllr B F Hlongwane proposed congratulations to the newly appointed Municipal Manager, Mr K M Nemaname and all newly appointed Directors.
- 5.3 Cllr M D Singo proposed congratulations to the newly appointed Municipal Manager, Mr K M Nemaname and all newly appointed Directors.
- 5.4 Cllr C D Hallgreen proposed congratulations to the newly appointed Municipal Manager, Mr K M Nemaname and all newly appointed Directors.
- 5.5 Cllr M W Ramalwa proposed congratulations to the Economic Freedom Fighter Party's Student Commander for winning an election at University of Venda.
- 5.6 Cllr M G Furumela proposed congratulations to the Mayor of the City of Johannesburg, Cllr Mpho Phalatsi for being re-instated as the Mayor by the Court of Law.
- 5.7 Cllr R S Baloyi proposed congratulations to the Mayor, Cllr N S Munyai for hosting a successful Imbizo on 30 September 2022 at Vhuilafuri Stadium, Madabani.

He further proposed congratulations to Vhembe District Mayor, Cllr Dowelani Nenguda, who successfully hosted a District Imbizo on 21 October 2022 at Radzilani Community Hall at Vhulaudzi Tshitavha.

He also proposed congratulations to the newly appointed MEC for Transport and Community Safety, Mrs Fulufhelo Florence Radzilani and wished her and all other recently appointed MEC's in Limpopo well in their new responsibilities.

He then proposed congratulations to the Regional Chairperson of the African National Congress Party in Vhembe District, Mr Tshitereke Baldwin Matibe for being elected as the Deputy Speaker of the Limpopo Legislature.

- 5.7 Cllr R S Baloyi proposed condolences to the bereaved family of the late Dr Gladys Thidziambi Nethengwe who had recently passed away.

He further raised a concern about the ever-increasing statistics of gender based violence and called upon the Government to use all available resources to raise awareness against gender based violence.

## 6. CONFIRMATION OF MINUTES

### 6.1 REMARK:

Upon proposal by Cllr M Swalivha, duly seconded by Cllr M Mukosi, it was -

RESOLVED -

THAT the minutes of the 102<sup>nd</sup> Ordinary Council meeting held on 28 July 2022 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 Swalivha, duly seconded by Cllr M Mukosi, it was -

RESOLVED -

THAT the minutes of the 170<sup>th</sup> Special Council meeting held on 30 August 2022 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 G FURUMELA ON 4 MAY 2022

The Chairperson of the Executive Committee replied to the questions as arranged by clause 37.2 as follows:

#### Question 1

**What is the Municipality's permanent maintenance plan as a bulk supplier of electricity to Valdezia community, how often do you maintain? Please provide the maintenance schedule.**

*The Municipality has a maintenance and operation plan that includes Valdezia line that supplies the Valdezia village through a wheeling arrangement with Eskom. The municipality has monthly and quarterly maintenance activities, as set out herein below:*

GENERIC ELECTRICAL MAINTENANCE & OPERATION PLAN (QUARTERLY MILESTONES: Q1, Q2, Q3, Q4)										
No	FOCUS AREA & ACTIVITY	BUSH CLEARING & TREE TRIMMING	HV LINE POLE INSPECTIONS & REPLACEMENTS	URBAN SUBSTATIONS INSPECTIONS & MAINTENANCE	RURAL SUBSTATION INSPECTIONS & MAINTENANCE	STAND-BY GENERATORS INSPECTIONS & MAINTENANCE	AUTO-RECLOSER INSPECTIONS & MAINTENANCE	VILLAGE LINES POLES REPLACEMENTS	URBAN NETWORK STATUS (CABLES, RMUs, STREET LIGHTS, MINI SUBS) REPORTS, REPAIRS	BUILDINGS ELECTRICAL INSPECTIONS & REPAIRS
1	LEVUBU CENTRAL LINE	Q1 & Q3	Q2 & Q4				Q1,2,3,4 (monthly)			
2	LEVUBU EAST LINE	Q1 & Q3	Q2 & Q4				Q1,2,3,4 (monthly)			

GENERIC ELECTRICAL MAINTENANCE & OPERATION PLAN (QUARTERLY MILESTONES: Q1, Q2, Q3, Q4)										
No	FOCUS AREA & ACTIVITY	BUSH CLEARING & TREE TRIMMING	HV LINE POLE INSPECTIONS & REPLACEMENTS	URBAN SUBSTATIONS INSPECTIONS & MAINTENANCE	RURAL SUBSTATION INSPECTIONS & MAINTENANCE	STAND-BY GENERATORS INSPECTIONS & MAINTENANCE	AUTO-RECLOSER INSPECTIONS & MAINTENANCE	VILLAGE LINES POLES REPLACEMENTS	URBAN NETWORK STATUS (CABLES, RMUs, STREET LIGHTS, MINI SUBS) REPORTS, REPAIRS	BUILDINGS ELECTRICAL INSPECTIONS & REPAIRS
3	LEVUBU SUBSTATION				Q1,2,3,4 (monthly)		Q1,2,3,4 (monthly)			Q1,2,3,4 (monthly)
4	LEVUBU WEST (BEAUFORT) LINE	Q1 & Q3	Q2 & Q4				Q1,2,3,4 (monthly)	Q2 & Q4		
5	LEVUBU-1 LINE	Q1 & Q3	Q2 & Q4				Q1,2,3,4 (monthly)			
6	LEVUBU-2 LINE	Q1 & Q3	Q2 & Q4				Q1,2,3,4 (monthly)			

### Question 2

**Why is Valdezia community being exposed to power failures three to five times in a week?**

*Valdezia village is under Eskom license area but gets supply from the Municipality's Valdezia Line. Not all interruptions to the village are due to Municipal bulk supply failures. The outages that happen due to faults within the villages also affect the village and are therefore fixed by Eskom. It must also be noted that Eskom is implementing load shedding which also interrupt the electricity supply in all the municipal licence area.*

### Question 3

**Is the Municipality going to take responsibility and pay all the electricity appliances damaged within this community due to the unnecessary power failures and the uncommunicated power cuts?**

*The Municipality is not responsible for apparatus damage claims from Eskom customers.*

### Question 4

**Is the Municipality going to take responsibility and pay for the rotten meat and perishable groceries that are being lost by the community members every month due to this uncommunicated power cuts and power failures?**

*The Municipality is not responsible for damage to groceries claims by Eskom customers. The power outages in Valdezia cannot be solely attributed to the municipal network failures since the village is under Eskom license.*

*Faults that happen within the village are Eskom's responsibility to address, whereas those due to feeder line failure can be as a result of faults in the municipal network in which case Eskom will report such to the municipality.*

### Question 5

**Since the Municipality is failing to maintain the electrical infrastructure in and around Valdezia community, why is the Municipality not doing the right thing and give back the responsibility of electricity supply and maintenance back to ESKOM?**

*The arrangement to supply Eskom's village is based on Eskom's wheeling agreement with the Municipality. It is up to Eskom to decide on this arrangement.*

## 7.2 QUESTION RECEIVED FROM CLLR P SMALLE ON 4 MAY 2022: OTTOSHOOGTE

The Chairperson of the Executive Committee replied to the questions as arranged by clause 37.2 as follows:

1. What study was used to determine the (i) Need (ii) Cost (ii) Scope of the project

*Otto's Hoogte project is a community hall which will service the community of Makhado; feasibility study will first be done to quantify the cost and the scope of the project.*

**2. What is the purpose of the project to take place, who will manage it once it has been completed?**

- (a) The purpose of the project is to have the state-of-the-art hall which will serve the community of Makhado Local Municipality.*
- (b) The hall will be managed by the Makhado Local Municipality.*

**3. In Which way will the (i) Municipality (ii) Community benefit from this project and what will be the annual cost to (A) Maintain (B) Manage the hall**

- (a) The Municipality and the community like any other hall within Makhado Local Municipality will utilize the hall as and when the need arise.*
- (b) The hall will be maintained and managed like any other hall within the jurisdiction of Makhado Local Municipality i.e. Dzanani hall, Waterval hall, Tsianda hall, Muduluni hall etc.*

**4. Please provide a detail cost breakdown of the scope of work to be done**

*The detail cost and breakdown of the scope of work to be done will be available once the feasibility study has been completed.*

**5. Otto's Hoogte is currently used as a storage area for old municipal office furniture and municipal records and other documents. Where will all this be stored once the project commences?**

*Otto's Hoogte is not the only area where the storage of the municipal office furniture and records can be kept Municipality will look for a new area where furniture and records will be kept in future before the project commences.*

**6. In the last 10 years, how often has Otto's Hoogte been used for its (i) intended purpose (ii) work related purpose (iii) community events**

- (i) The area has been used for the storage of municipal documents for the past 10 years.*
- (ii) The new intended use by community will commence when the hall is completed.*

**7. What was the total cost spent over the last year for (i) maintenance (ii) new infrastructure?**

- (i) Routine maintenance has been done by municipal workers who are on the payroll of the municipality .*
- (ii) Cost of the new infrastructure is not yet known; feasibility study will determine the estimated cost that will be spent in the new infrastructures.*

**7.3 QUESTION RECEIVED FROM CLLR P SMALLE ON 4 MAY 2022: NEW COUNCIL CHAMBER**

The Chairperson of the Executive Committee replied to the questions as arranged by clause 37.2 as follows:

**1. What study was used to determine the need, cost, and scope of the project? Who conducted this study and at what cost?**

- The number of employees in one office space (fulltime councillors and the growth of the Municipality) to perform its function.*
- T M Africa conducted the study and the design of the new Council Chamber with inputs from Management and Executive Committee.*

**2. Please provide a detailed cost breakdown of the scope of work to be done**

SUMMARY COST ESTIMATE		
ITEM	UNIT TYPE	COST ESTIMATE
A	PRELIMINARIES	R7 672 500.00
B	BASEMENT	R18 655 000.00
C	GROUND FLOOR BUILDING WORKS	R25 920 000.00
D	1 <sup>ST</sup> FLOOR BUILDING WORKS	R27 540 000.00
E	COUNCIL CHAMBER	R17 280 000.00
F	ABLUTION FACILITY & WAR ROOM	R 1 400 000.00
G	REFURBISHMENT OF EXISTING BUILDINGS	R 7 435 000.00
<b>SUB TOTAL - BUILDING WORKS</b>		<b>R 105 902 500.00</b>
H	EXTERNAL WORKS	R5 385 000.00
I	SERVICES (Public & Private Lifts)	R 3 500 000.00
J	NET ESTIMATED CONSTRUCTION COST	R 114 787 500.00
K	PROFESSIONAL FEES ESTIMATE	R 25 253 250.00
L	NET ESTIMATED CONSTRUCTION COST INCLUDING PROFESSIONAL FEES	R 140 040 750.00
M	VALUE ADDED TAX (15%)	R 21 006 112.50
N	ESTIMATED PROJECT COST	R 161 046 862.50

### 3. What benchmark did the Municipality use to determine the cost?

*The estimates are based on market analysis of the material required for the construction of the proposed building. Professional fees are as per Engineering Council of South Africa guidelines.*

#### 7.4 QUESTION RECEIVED FROM CLLR T A MARAGA ON 18 JULY 2022

The Chairperson of the Executive Committee replied to the questions as arranged by clause 37.2 as follows:

#### 1. What kind of jobs is Musina – Makhado SEZ going to offer to the Youth of Makhado?

*Musina /Makhado SEZ will offer the following jobs through targeted projects in the Metallurgical Complex, which are - Coke Plant, Ferrochromium Plant, Ferromanganese Plant, Pig Iron Plant, Carbon Steel Plant, Stainless Steel Plant, Lime Plant, Silicon-Manganese Plant, Metal Silicon Plant and Calcium Carbide Plant. It is anticipated that the MMSEZ will create in excess of 21 000 direct and indirect jobs in the short/medium period and over 60 000 in the future.*

#### 2. What qualifications or skills will be required to work in the SEZ?

*The skills required in the SEZ are of technical nature such as Mechanical Engineering, Electrical Engineering, Civil Engineering, etc.*

#### 3. Which TVET College or University is offering such qualifications or skills in Vhembe/Limpopo?

*Vhembe TVET College, University of Venda and other TVET Colleges in Limpopo. The MMSEZ SOC has already entered into a partnership with Vhembe TVET to build the new Musina Satellite Campus inside the MMSEZ North Site. The college will be complemented by an SMME Incubation Centre modelled on developing the requisite technical and non-technical support to entrepreneurs to reach their full potential.*

**4. Which institution is preparing our people to grow products that will be needed in Agro processing SEZ?**

*Vhembe TVET College, University of Venda and other TVET Coleages in Limpopo are part of institutions preparing people to grow products that will be needed in Agro -processing. LEDET and the MMSEZ SOC is also associated with other institutions and partners from the local, provincial and national government including international organizations. These institutions include among others, municipalities, departments, state owned companies and entities.*

**5. What is the role of the municipality in preparation of the SEZ?**

*A data base of the youth in Makhado Municipality together with their qualifications have already been compiled and submitted to the Office of the Premier in Limpopo. The municipality is also involved in skills training learnerships and internship programmes. Municipality will also be part of the rezoning process which will be done within the zone through its Municipal Tribunal.*

**6. What are the plans in place to upgrade Makhado Airport situated in Tshikota?**

*The Municipality is currently reviewing the lease agreements we have with the previous leases to ensure that the Makhado Airport situated in Tshikota is properly upgraded and be at a level where international visitors can use it in future.*

**8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETING**

None

**9. REPORT OF COUNCIL COMMITTEES: OCTOBER 2022**

**9.1 Recommendations of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): October 2022**

568<sup>th</sup> Executive Committee meeting held on 24 October 2022

569<sup>th</sup> Executive Committee meeting held on 27 October 2022

**9.2 Recommendations 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): October 2022**

96<sup>th</sup> Section 79 Oversight Committee: Corporate Services meeting: 25 July 2022

69<sup>th</sup> Section 79 Oversight Committee: Finance meeting: 26 July 2022

59<sup>th</sup> Section 79 Oversight Committee: Development Planning meeting: 25 July 2022

**ITEM A.116.27.10.22**

**PERSONNEL:**

**1. DECLARATION OF VACANCY OF THE CHIEF FINANCIAL OFFICER**

**2. PROCESS TO FILL VACANCY AND APPOINTMENT OF SELECTION PANEL**

**(5/3/4/4; 5/3/B)**

**REMARK:**

When this matter was considered, Cllr N F Chililo proposed, duly second by Cllr M G Gabara that the term of employment be permanent as directed by the Municipal Systems Amendment Act. The proposal was accepted in general and recorded as Council's Resolution herein below.



## RESOLVED A.116.27.10.22 (COUNCIL) -

1. THAT Council declares a vacancy in the post of Chief Financial Officer. (DCS)
2. THAT the term of employment be permanent as directed by section 56 of the Municipal Systems Amendment Act. (DCS)
3. THAT the Municipal Manager proceed with the recruitment of candidates for appointment in the vacancy of the Chief Financial Officer in terms of the provisions of section 56(1) (a) & 3 of the Local Government: Municipal Systems Act, 32 of 2000. (DCS)
4. THAT the advertisements for the post of Chief Financial Officer be published in the National newspapers. (DCS)
5. THAT the post be advertised for a period of twenty-one (21) days. (DCS)
6. THAT the Selection Panel be constituted as follows for the recruitment of candidates in the vacancy of Chief Financial Officer:
  - (i) Municipal Manager (Chairperson)
  - (ii) Portfolio Councilors responsible with Budget and Treasury
  - (iii) Two external experts from the Department of Cooperative Governance, Human Settlement and Traditional Affairs and Provincial Treasury. (DCS)
7. THAT the Selection Panel in its shortlisting ensure compliance with the requirements set out in Chapter 4 of the Local Government: Municipal Finance Management Act; the Municipal Regulations on Minimum Competency Level pertaining to general competency levels and minimum competency levels for Senior Managers, promulgated in Government Gazette No 29967 of 15 June 2007 and under Government Notice No R493 of 15 June 2018. (DCS)

RecruitCFO\_Itm

**ITEM A.117.27.10.22**

**COUNCIL COMMITTEES: REMOVAL OF MEMBER: SECTION 79 OVERSIGHT COMMITTEE: SPECIAL PROGRAMMES (4/1/B)**

## RESOLVED A.117.27.10.22 (COUNCIL) –

THAT Cllr T M Malange be removed from being a member of Section 79 Oversight Committee: Special Programmes and she only remains as Chairperson of the Section 79 Standing Committee: Women Caucus. (DCS)

AmendSect79Committees(Oct2022)\_itm

**ITEM A.118.27.10.22****COUNCIL COMMITTEES: REPORT OF ATTENDANCE OF MEETINGS OF COUNCIL AND ITS COMMITTEES – JULY 2022 TO SEPTEMBER 2022 – QUARTER 1, 2022/2023 FINANCIAL YEAR (4/1/B & 10/1/5/1)**

RESOLVED A.118.27.10.22 (COUNCIL) –

1. THAT note be taken of the number of meetings held by Council and its Committees for the period 1 July 2022 to 30 September 2022 as follows: (DCS)

*SUMMARY OF COMMITTEE MEETINGS HELD – QUARTER 1 OF 2022/23*

<b>DATE 2022</b>	<b>NUMBER OF SECTION 79 COMMITTEES' MEETINGS</b>	<b>NUMBER OF EXECUTIVE COMMITTEE MEETINGS</b>	<b>NUMBER OF COUNCIL MEETINGS</b>
July	3	2	1
August	4	3	1
September	0	0	0
<b>TOTAL</b>	<b>7</b>	<b>5</b>	<b>2</b>

*NB. Excluding LLF meetings of which 3 were held.*

2. THAT note be taken of the *Report of Attendance of meetings by councilors* for the period 1 July 2022 to 30 September 2022 as more fully recorded in the report in this regard. (DCS)
3. THAT it be noted that no Councillor was absent from any Council and its Committee meetings in contravention of Clause 42 of the Standing Rules of Order, 2016 during Quarter 1 of the 2022/23 Financial Year. (DCS)

Return of Attendance Q1 of 2022-2023

**ITEM A.119.27.10.22****REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS – QUARTER 1: 2022/23 FINANCIAL YEAR (10/1/6/1)**

RESOLVED A.119.27.10.22 (COUNCIL) –

THAT note be taken of the progress with implementing Council Resolutions in respect of meetings held during Quarter 1 of the 2022/2023 financial year, as well as the summary of previous terms' Resolutions not yet implemented, as more fully set out in Annexure A attached to the report in this regard. (DCS)

CouncilResolutionImplementationQ1-2022-2023\_itm

**ITEM A.120.27.10.22**

**FINANCE: ASSESSMENT OF PERFORMANCE OF CONTRACTED SERVICE PROVIDERS: 1<sup>st</sup> QUARTER: 2022/2023 FINANCIAL YEAR (6/1/1(2022/23))**

**REMARK:**

This matter was referred as item B.12.24.10.22.

**ITEM A.121.27.10.22**

**FINANCES: PROCUREMENT: CLAUSE 36: DEVIATIONS REPORT FOR FIRST QUARTER ENDING 30 SEPTEMBER 2022 (10/1/5/2)**

RESOLVED A.121.27.10.22 (COUNCIL) –

THAT in terms of Clause 36 of the Municipal Supply Chain Regulations, 2005 promulgated under the Local Government: Municipal Finance Management Act, 2003, the deviations to the amount R248,812.37 be noted by Council. (CFO)

DeviationsQuarter1 2022-2023\_itm

**ITEM A.122.27.10.22**

**FINANCE: IN YEAR MONITORING AND REPORTING: 1<sup>st</sup> QUARTER: 2022/2023 FINANCIAL YEAR (6/1/1(2022/23))**

RESOLVED A.122.27.10.22 (COUNCIL) –

THAT the In-Year Monitoring financial report for the First Quarter ending 30 September 2022 for the 2022/2023 Financial Year be approved by Council. (CFO)

MonitoringQ1 2022\_itm

**ITEM A.123.27.10.22**

**PERSONNEL: EXTENSION OF ACTING PERIOD: CHIEF FINANCIAL OFFICER (SP 1/1/1)**

**REMARK:**

When this matter was considered the Acting Chief Financial Officer recused himself from the meeting and returned after the matter was concluded.

RESOLVED A.123.27.10.22 (COUNCIL) –

1. THAT it be approved that the Manager: Budget and Finance Reporting, Mr N G Raliphada be designated to act for a further period of three months as Chief Financial Officer, with effect from 1 November 2022 to 31 January 2023. (DCS)

2. THAT the application of extension of Acting capacity of Chief Financial Officer as set out in paragraph 1 above be submitted to the MEC for Cooperative Government, Human Settlement and Traditional Affairs for approval in terms of section 56(1) (a) (ii) (c) of the Local Government: Municipal Systems Act, No. 32 of 2000, as amended. (DCS)

ActingCFO\_itmOctober2022

**ITEM A.124.27.10.22**

**COUNCIL LAND: PROPOSED SALE OF A PORTION OF PARK ERF 1982, DZANANI TOWNSHIP  
(7/4/14)**

RESOLVED A.124.27.10.22 (COUNCIL) –

THAT the proposed sale of a portion measuring 1ha of park erf 1982, Dzanani Township that was received from Mr K J Tshivhandekano be turned down subject to the following terms and conditions:

1. The proposed sale of a portion measuring 1ha of park Erf 1982, Dzanani Township be revoked.
2. The park Erf 1982, Dzanani must remain to exist as a public park.
3. Council Resolution A.179.13.12.12 be revoked. (DDP)

DzananiTownshipErf1982\_Itm

**ITEM A.125.27.10.22**

**PERSONNEL: TRANS-LIMPOPO SPATIAL DEVELOPMENT INITIATIVE ACTION BETWEEN THE MUNICIPALITY OF GWANDA AND MAKHADO LOCAL MUNICIPALITY  
(12/2/154)**

RESOLVED A.125.27.10.22 (COUNCIL) –

1. THAT Council approves to release the Mayor, Portfolio Head Development Planning and Corporate Services, Chairperson of Section 79 Committee for Development and Planning, Municipal Manager, Director Development Planning and Manager: LED to visit the Municipality of Gwanda in Zimbabwe from the 5<sup>th</sup> December 2022 – 7<sup>th</sup> December 2022 to revive the MOU that exist between the two Municipalities and also to deliberate on the activities in the action plan. (DDP)
2. THAT Council note the action plan of the Trans-Limpopo Spatial Development Initiative Action Plan prepared by the Municipality of Gwanda and Makhado Local Municipality.

GwandaZimbabwe\_Itm

(DDP)

**ITEM A.126.27.10.22****COUNCIL LAND: PROPOSED ELECTRIFICATION OF MAVHOYI/TSHITUNI AREA BY ESKOM  
(16/2/1)**

RESOLVED A.126.27.10.22 (COUNCIL) –

1. THAT Council approves that the Municipality start the process of consulting the people who occupy the land with an intention of formalizing the area, with the main objectives of formalization to achieve the following:
  - 1.1 Feasibility study and identifying the number of invaded sites.
  - 1.2 Evaluate and data capturing (name and particulars of the occupants).
  - 1.3 The cost of formalization.
  - 1.4 Town Planning processes (survey which include street alignment, Township Establishment and register, Geotechnical studies and public participation).
  - 1.5 Sell the formalized stands to the occupants, but not to embark on the process of land eviction since is costly. (DDP)
  
2. THAT Eskom wait for the municipality to resolve development challenges before they can start with their design and electrification process. (DDP)
  
3. THAT the Mayor, Municipal Manager, Portfolio Head Development Planning and Director Development Planning together with the representatives of the community establish a committee to deal with this matter and this committee report its deliberation to Council through the Mayor and this process must be concluded within 6 months from the date of this Council Resolution. (DDP)

ElectrificationMavhoyiTshituniArea\_itm

**ITEM A.127.27.10.22****TOWN-PLANNING AND CONTROL: LAND DEVELOPMENT AND LAND USE APPLICATIONS CONSIDERED DURING THE FIRST QUARTER 2022/23  
(12/3/2)**

RESOLVED A.127.27.10.22 (COUNCIL) –

THAT the Council note the land development and land use applications considered for First Quarter of the 2022/23 financial year.

Landdevelopmentandlanduseapplications\_Itm

(DDP)

**ITEM A.128.27.10.22****DEVELOPMENT AND PLANNING: APPROVAL AND ADOPTION OF LAND USE SCHEME****(4/44/1, 15/4/2/1, 15/4/2/2 & 15/7/1)**

RESOLVED A.128.27.10.22 (COUNCIL)

THAT Council adopt and approve the Makhado Land Use Scheme, 2022 attached as Annexure A to the report in this regard. (DDP)

LandUseScheemee\_Itm

**ITEM A.129.27.10.22****DEVELOPMENT PLANNING: ADOPTION OF MAKHADO SPATIAL DEVELOPMENT FRAMEWORK****(15/3/15, 15/4/1, 2/1/3/2/2, 2/1/3/2/1 & 15/4/2/2)**

RESOLVED A.129.27.10.22 (COUNCIL)

THAT Council approve the Makhado Spatial Development Framework, 2022/23 attached as Annexure A to the report in this regard. (DDP)

SpatialDevelopmentFramework\_Itm

**ITEM A.130.27.10.22****DEVELOPMENT AND PLANNING: TERMS OF REFERENCE FOR THE ESTABLISHMENT OF LOCAL REFERENCE COMMITTEE: COMMUNITY WORK PROGRAMME (CWP)****(5/6/4)**

RESOLVED A.130.27.10.22 (COUNCIL)

1. THAT Council note the wards in which the Community Work Programme (CWP) is being implemented. (DDP)
2. THAT the Department of Cooperative Governance, Human Settlements and Traditional Affairs be informed about the Council Resolution. (DDP)
3. THAT the Department of Development Planning be the custodian of the programme and oversee the implementation and monitoring of the programme within the Municipality. (DDP)
4. THAT Council authorises the Portfolio Head for Development and Planning to sign terms of reference on the establishment of the Local CWP Reference Committee. (DDP)

5. THAT the following priorities of Wards per region, be regarded accordingly in the program:

SITE	TOWN /AREAS	TARGET	BUDGET
		<b>1299</b>	<b>9 000 808.60</b>
<b>Ward 2</b>	Mingard, Elim mission, Elim Maboho and Shikuhele	139	
<b>Ward 6</b>	Madombidzha	38	
<b>Ward 11</b>	Wayeni, Mashamba	79	
<b>Ward 21</b>	Tshikuwi, Luvhalani and Tshiroilwe	81	
<b>Ward 22</b>	Ramantsha and Gogobole	66	
<b>Ward 23</b>	Tshikwani	25	
<b>Ward 24</b>	Madabani, Madodonga and Muduluni	73	
<b>Ward 25</b>	Makhitha, Midoroni, Muraleni & Maebani	86	
<b>Ward 26</b>	Tshikwarani, Zamekomste, Manavhela & Buysdorp	122	
<b>Ward 33</b>	Manngo, Sendeza, Siloam, Dzanani, Tshikota and Tshikudo	55	
<b>Ward 35</b>	Pfumbada, Mabirimisa and Tshituni Tsha Fhase	65	
<b>Ward 36</b>	Mudimeli, Mamvuka, Matsa, Manyii and Paradise	114	
<b>Ward 37</b>	Khomele, Maranikwe, Tshitwi, Sane, Musekwa, Straghtchad, Pfumembe, Doli-Doli, Ndouvhada, Makushu, Garside, Maangani and Smokey	262	
	<b>Coordinators and Storekeepers</b> Elim Coordinators 14, Elim Storekeepers 6, Dzanani Coordinators 21, Dzanani Storekeepers 11, Kutama Coordinators 19, Kutama Storekeepers 12 and Mphephu Dzanani Coordinators 11.	94	

(DDP)

CWP\_itm

#### ITEM A.131.27.10.22

**DEVELOPMENT PLANNING: WAYLEAVE POLICY TO TO PROVIDE GUIDANCE TO MUNICIPALITY'S INFRASTRUCTURE AUTHORITIES ON THE IMPLEMENTATION OF ENGINEERING AND OTHER RELATED SERVICES**  
(1/3/63)

RESOLVED A.131.27.10.22 (COUNCIL)

THAT Council approve the Wayleave Policy, 2022 attached as Annexure A to the report in this regard, to be enforceable with immediate effect. (DDP)

WayleavePolicy\_itm

#### ITEM A.132.27.10.22

**FINANCE: ASSESSMENT OF PERFORMANCE OF CONTRACTED SERVICE PROVIDERS: 1<sup>st</sup> QUARTER: 2022/2023 FINANCIAL YEAR**  
(6/1/1(2022/23))

RESOLVED A.132.27.10.22 (COUNCIL)

THAT Council takes note of the First Quarter Assessment of Performance of the Contracted Service Providers report for 2022/2023 Financial Year as attached as Annexure A to the report in this regard.

AssessmentQ1ServiceProviders\_itm

(CFO)

\* \* \* \* \*

**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): October 2022**

568<sup>th</sup> Executive Committee Meeting: 24 October 2022

**ITEM B.11.24.10.22 (originally B.11.21.10.22)**

**PERFORMANCE MANAGEMENT: FIRST QUARTER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN REPORT: 2022/23 FINANCIAL YEAR (10/1/4/1-10/1/4/8)**

RESOLVED B.11.24.10.22 (EXECUTIVE COMMITTEE)

THAT Council takes note of the First Quarter Service Delivery and Budget Implementation Plan report for the 2022/23 financial year. (MM/ALL DIRS)

SDBIP Q1 2022-23\_itm

**ITEM B.12.24.10.22**

**FINANCE: ASSESSMENT OF PERFORMANCE OF CONTRACTED SERVICE PROVIDERS: 1<sup>st</sup> QUARTER: 2022/2023 FINANCIAL YEAR (6/1/1(2022/23))**

**REMARK:**

This matter was referred from item A.120.27.10.22.

RESOLVED B.12.24.10.22 (EXECUTIVE COMMITTEE) –

THAT the matter be referred back to be submitted at the next Executive Committee meeting.

AssessmentQ1ServiceProviders\_itm

(CFO)

\* \* \* \* \*

**9.4 Recommendations of the Section 79 Standing Committee: Municipal Public Account Committee in terms of section 59 (1) of the Local Government: Municipal System Act, 2000 (Act 32 of 2000): September 2022**

**ITEM A.133.27.10.22**

**MPAC: REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS – QUARTER 4: 2021/22 FINANCIAL YEAR (10/1/6/1)**

RESOLVED A.133.27.10.22 (COUNCIL)

1. THAT the Municipality must implement all Council resolutions to avoid delay in service delivery. (DCS)

2. THAT the Municipality must implement remaining resolution of Proposed Sale of Erf 2553, Louis Trichardt Extension 5 and Remainder of Erf 4296 in Quarter 2 of 2022/23 Financial Year.

MPACCouncilResolutionImplementationQ4-2021-2022\_itm

(DDP)



**ITEM A.134.27.10.22****MPAC: FINANCES: PROCUREMENT: CLAUSE 36: DEVIATIONS REPORT FOR THIRD QUARTER ENDING 31 MARCH 2022 (10/1/5/2)**

RESOLVED A.134.27.10.22 (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, the deviations to the amount of R550 175,30 for Quarter 3 ending 31 March 2022 be noted by Council. (CFO)
2. THAT the Municipality must also advertise on Nzhelele FM and other local radio stations in the jurisdiction of Makhado Municipality. (CFO)

MPACDeviationsQuarter 3 21-22\_itm

**ITEM A.135.27.10.22****MPAC: FINANCES: PROCUREMENT: CLAUSE 36: DEVIATIONS REPORT FOR FOURTH QUARTER ENDING 30 JUNE 2022 (10/1/5/2)**

RESOLVED A.135.27.10.22 (COUNCIL)

1. THAT the Management must follow the Supply Chain Management Policy. (CFO)
2. THAT the Municipality must use in house employees or the Speaker to chair the program of SOMA to avoid unnecessary expenditure. (DCS)
3. THAT after considering all facts by management and event committee as MPAC we have satisfied ourselves that indeed the deviation was necessary as prescribed in section 37(1)(i)(ii) of the Supply Chain Management Policy. (CFO)
4. THAT in terms of deviation of procuring additional securities services all necessary processes were followed as guided by Supply Chain Management policy as provided in Section 36 (1)(i)(ii) to procure the services of additional security personnel due to emergency nature of the circumstances and it was practically impossible to follow SCM process due to the identification of a security treats for the SOMA event in less than 24 hours before the event as the risk was rated from low to medium risk. (CFO )

MPACDeviationsQuarter 4 21-22\_itm

**ITEM A.136.27.10.22****MPAC: PERFORMANCE MANAGEMENT: FOURTH QUARTER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN REPORT: 2021/22 FINANCIAL YEAR (10/1/4/1-10/1/4/8)**

RESOLVED A.136.27.10.22 (COUNCIL)

THAT the SDBIP, IDP and Budget must align to one another. (DDP/CFO)

MPACSDBIPQuarter4\_itm

**ITEM A.137.27.10.22****MPAC: FINANCES: ASSESSMENT OF PERFORMANCE OF CONTRACTED SERVICE PROVIDERS: QUARTER 4 : 2021/22 FINANCIAL YEAR (10/1/5/2)**

RESOLVED A.137.27.10.22 (COUNCIL)

1. THAT the Municipality must continuously encourage service providers to render their duties satisfactory as per their specifications. (CFO)
2. THAT the Municipality must give Dikgabo Consulting Engineer non-performance letter and not be given any work by the municipality for failing to perform their work and abandoning the site while construction was still on progress. (CFO/MM)
3. THAT the Municipality must give Botshabelo Consulting and Project non-performance letter and not be given any work by the municipality for failing to perform their work and failing to pitch at site meeting as arranged by the Municipality and did not handover specification to contractor in time. (CFO/MM)
4. THAT the Municipality must give PGN Pty (Ltd) non-performance letter and not be given any work by the municipality for failing to perform their work and failing to pitch at site meeting arranged by the municipality and the company is owned by same person who failed at Waterval Stadium. (CFO/MM)

MPACAssessmentQ4ServiceProviders\_itm

**ITEM A.138.27.10.22****MPAC: FINANCES: PROCUREMENT: SUPPLY CHAIN MANAGEMENT IMPLEMENTATION: ANNUAL REPORT: 2021/22 FINANCIAL YEAR (5/3/54/1)**

RESOLVED A.138.27.10.22 (COUNCIL)

1. THAT the Municipality must evaluate bids and appoint in time for better service delivery. (CFO)
2. THAT the MPAC takes note of the Supply Chain Management report for Quarter 4 of 2021/22 Financial Year. (CFO)

MPACImplementationSCMAAnnual21-22\_itm

**ITEM A.139.27.10.22****MPAC: FINANCE: IN YEAR MONITORING AND REPORTING: 4<sup>th</sup> QUARTER:  
2021/2022 FINANCIAL YEAR  
(6/1/1(2021/22))**

## RESOLVED A.139.27.10.22 (COUNCIL)

1. THAT the Municipality must continue to manage and control its expenditure against revenue which is good. (CFO)
2. THAT the Municipality must utilise all budgeted funds for better service delivery. (CFO)
3. THAT the Municipality must continue to spend 100% of its grants. (CFO)
4. THAT the Municipality must report all revenue by source which did not perform. (CFO)
5. THAT the Accounting Officer must encourage all departments, especially Department of Community Service to spend their budget. (MM)
6. THAT the Municipality must continue reminding debtors and encouraging residents, organs of state and commercial industry to pay in order to get better services. (CFO)
7. THAT the Municipality must give Organ of State and Commercial time frame of two months and if they don't pay they must cut off electricity (CFO)
8. THAT the Municipality must have meetings with R293 towns and come with better solutions and encourage them to pay or write off debts in line with Municipal Debts Write Off Policy. (CFO)
9. THAT the Municipality must improve on providing service delivery to the community, so that communities can pay their debts in time. (CFO)
10. THAT the Municipality must make sure that advertised tenders be evaluated and adjudicated in time. (CFO)
11. THAT the Municipality must focus on service delivery backlog which is a challenge to all communities. (CFO)
12. THAT the municipality must appoint four (4) indigent officers, one per region. (DCS)
13. THAT the Municipality must encourage ward councillors to submit request to be assisted on different wards or come with program to visits all wards. (DCS/CFO)

14. THAT the management must update Council on Fruitless and Wasteful 1 July 2019 to 30 June 2022 in 2019/20 Financial Year in the Council meeting. (CFO)

MPACMonitoringQ4 2022\_itm

\* \* \* \* \*

10. PETITIONS  
None

11. NEW MOTIONS

11.1 **MOTION NO. 240: RECEIVED ON 14 OCTOBER 2022**

Motion no. 240 dated 12 October 2022 was considered under the provisions of clause 28 of the Council's Standing Rules of Order, 2016 published in Provincial Gazette No. 2736 dated 29 July 2016.

***NOTICE OF THE MOTION IN TERMS OF CLAUSE 28 OF THE STANDING RULES OF ORDER: CUT-OFF OF ELECTRICITY SUPPLY TO PRE-PAID ELECTRICITY USERS***

*WHEREAS*

1. *The Municipality is cutting electricity supply to pre-paid users in villages where outstanding monies are listed against their names.*
2. *This is happening without any prior and proper notice to those users, which is unfair.*
3. *The lives of children from the concerned house families are exposed to a disaster due to candles lighting.*

*NOW THEREFOR the EFF recommend that the Council resolved:*

*The Municipality implement a procedure where it first gives the formal written notice to those users, with a clear return date, which will give them the opportunity to arrange for payment over a period of time as allowed by the Credit Control and Debt Collection Policy of the Municipality.*

*Proposer: Cllr T A Maraga*

*Seconder: Cllr K P Maphakela*

*Signed: 12 October 2022*

The Speaker, Cllr M D Mboyi requested whether the proposer, Cllr T A Maraga and seconder, Cllr K P Maphakela were present in the meeting.

Hereupon the seconder confirmed her presence and that she had seconded the motion. Cllr T A Maraga was also present and confirmed Motion 240.

The Speaker ruled that the technical input by the Municipal Manager on Motion no. 240 be presented. The Mayor presented the comments as follows:

**Technical input of the Municipal Manager in terms of sub-clause 28.10 of the Standing Rules of Order, 2016:**

The Municipality makes arrangements for ten (10) months for the community to pay their meter installation costs.

## Conclusion

Therefore the proposed motion to issue notices cannot be approved because the Municipality blocks customers who failed to honour the arrangement as stated above.

**Signed by Mr K M Nemaname, Municipal Manager**

RESOLVED –

THAT the technical input of the Municipal Manager as presented to Council by the Mayor be noted and Motion No. 240 received on 14 October 2022 therefor be not approved. (DCS)

### 11.2 **MOTION NO. 241: RECEIVED ON 14 OCTOBER 2022**

Motion no. 241 dated 12 October 2022 was considered under the provisions of clause 28 of the Council's Standing Rules of Order, 2016 published in Provincial Gazette No. 2736 dated 29 July 2016.

***NOTICE OF THE MOTION IN TERMS OF CLAUSE 28 OF THE STANDING RULES OF ORDER: AMENDMENT OF INDIGENT POLICY TO ALLOW INDIGENT HOUSEHOLDS TO AUTOMATICALLY QUALIFY FOR WATER, ELECTRICITY AND SANITATION IF THEY ARE RECIPIENT OF SOCIAL GRANTS***

*WHEREAS*

- *The Municipality require those who qualify for indigent to can renew the form at the end of the municipal financial year.*
- *The renewal by the Municipality leaves our commuters devastated.*
- *The delay to recapture and approve them in the system.*
- *Some ended up not getting their electricity even though they qualify.*

*NOW THEREFOR the EFF recommend that the Council resolved:*

- 1. That the Municipality end the renewal of indigent form and be automatically to those who are the recipient of the social grant.*
- 2. The Municipality amends the Indigent Policy to allow indigent households to automatically qualify for water, electricity and sanitation if they are recipient of social grant.*

*Proposer: Cllr T A Maraga*

*Seconder: Cllr K P Maphakela*

*Signed: 12 October 2022*

The Speaker, Cllr M D Mboyi requested whether the proposer, Cllr T A Maraga and seconder, Cllr K P Maphakela were present in the meeting.

Hereupon the seconder confirmed her presence and that she had seconded the motion. Cllr T A Maraga was also present and confirmed Motion 241.

The Speaker ruled that the technical input by the Municipal Manager on Motion no. 241 be presented. The Mayor presented the comments as follows:

**Technical input of the Municipal Manager in terms of sub-clause 28.10 of the Standing Rules of Order, 2016:**

The Municipality cannot end renewal of indigent applications based on the following:

- (a) As per indigent subsidy policy, approved applicants are granted indigent subsidy in the financial year in which they were approved and the following financial year which therefore means at the end of second financial year the indigents lapses.
- (b) The importance of renewal is to ascertain as to whether the status of applicants have or have not changed (e.g. in the form of death, applicant income having gone beyond threshold, unemployed finding job opportunities, etc.)
- (c) The renewal process is also meant to avoid audit findings in instances where indigent subsidies get granted to people who have passed on, people who are employed and earning above the Council's set threshold.

**Signed by Mr K M Nemaname, Municipal Manager**

RESOLVED –

THAT the technical input of the Municipal Manager as presented to Council by the Mayor be noted and Motion No. 241 received on 14 October 2022 therefor be not approved. (DCS)

### 11.3 **MOTION NO. 242: RECEIVED ON 17 OCTOBER 2022**

Motion no. 242 dated 12 October 2022 was considered under the provisions of clause 28 of the Council's Standing Rules of Order, 2016 published in Provincial Gazette No. 2736 dated 29 July 2016.

#### ***NOTICE OF THE MOTION IN TERMS OF CLAUSE 28 OF THE STANDING RULES OF ORDER: REMUNERATION/PAYMENT OF R1000,00 TO THE SECTION 73(2)(B) MEMBERS OF A WARD COMMITTEE***

*WHEREAS*

- *Makhado Local Municipality is issuing an amount of R1000,00 to all Ward Committee members throughout the 38 Wards and on a monthly basis.*
- *Such payments or stipends have been perpetuated in contravention with section 77 of the Local Government: Municipal Structures Act, 117 of 1998 and Regulation.*

*NOW THEREFOR the EFF recommend that the Council resolved:*

1. *The immediate cut off of all types of payments to Ward Committee members that are inconsistent with the law until such a time when the Structures Act is amended.*
2. *That our Policy on Ward Committees be amended in line with the Structures Act.*

*Proposer: Cllr M W Ramalwa  
 Secunder: Cllr K P Maphakela  
 Signed: 12 October 2022*

The Speaker, Cllr M D Mboyi requested whether the proposer, Cllr M W Ramalwa and seconder, Cllr K P Maphakela were present in the meeting.

Hereupon the seconder confirmed her presence and that she had seconded the motion. Cllr M W Ramalwa was also present and confirmed Motion 242.

The Speaker ruled that the technical input by the Municipal Manager on Motion no. 242 be presented. The Mayor presented the comments as follows:

**Technical input of the Municipal Manager in terms of sub-clause 28.10 of the Standing Rules of Order, 2016:**

1. Section 73(5)(a) of the Local Government Municipal Structures Act, 1998 dictates that out of pocket expenses for the attendance by Ward Committee members of Ward Committee meetings must be paid from the municipal budget.
2. Section 73(5)(b) of the said Act further dictates that council develop a policy and criteria for out of pocket expenses.
3. The Policy for Ward Committees was approved by Council Resolution A.67.30.06.21.
4. Paragraph 10 of the Policy read as follows:

*“There shall be no remuneration except out of pocket expenses at rates to be determined by Makhado Local Municipal Council on an annual basis. For the purpose of these rules, out of pocket expenses shall be those expenses incurred by members of the Ward Committee to:*

- i) Attend Ward Committee meetings.*
- ii) To perform such other Ward Committee functions as may be assigned to them by the Committee or ward Councillor.*
- iii) The amount of out of pocket expenses will be R1 000,00 per sitting.*
- iv) Provision for special sittings may be determined by office of the Speaker in consultation with the Chief Financial officer.*
- v) The expense has to be given to only those who have attended the meeting.*
- vi) The method and determinants of the payments lies with the Office of the Speaker and the Chief Financial officer.*
- vii) Out of pocket expenses for Ward Committees who did not attend the meeting must be brought back to the Council coffers.”*

**Conclusion**

Therefore the proposed Motion No. 242 cannot be approved as it will be contrary to the provisions of the Local Government Municipal Structures Act, 1998 read with the Council Policy of Ward Committees approved per Council Resolution A.67.30.06.21.

**Signed by Mr K M Nemaname, Municipal Manager**

RESOLVED –

THAT the technical input of the Municipal Manager as presented to Council by the Mayor be noted and Motion No. 242 received on 17 October 2022 therefor be not approved. (DCS)

\* \* \* \* \*

The meeting was closed and adjourned at 16:12.

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 following Council meeting of 26 January 2023.