

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE EIGHTY FIFTH (85th) COUNCIL MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS HELD ON TUESDAY, 30 JANUARY 2018 AT 14:00 IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, KROGH STREET, MAKHADO.

PRESENT

Councillors

BABADU, T M	MATUMBA, A
BALIBALI, T	MBOYI, M D
BALOYI, R S	MOGALE, L B
BULALA, S I	MOHLABA, T J
CHILILO, N F	MOKGOADI, M R
DAVHANA, N D	MPASHE, M J
DZIVHANI, T E	MTHOMBENI, S Z
FURUMELA, M G	MUKHARI, M F
GABARA, M J	MUKWEVHO, G T
HLUNGWANE, F B	MUKWEVHO, T D
JONES, N B	MULEFU, M E
KUTAMA, T	MUNYAI, N
LUDUVHUNGU, V S	MUNYAI, N S
LUKHELI, J	MUSANDIWA, P N
MACHETE, M S	NDOU, M D
MADULA, S	NDOU, M N
MADUWA, E	NEMATANDANI, M C
MADUWA, L G	NETHULWE, M F
MADZHIGA, F N	NYELISANI, S S
MAFHALA, N A	RALIPHADA, R
MALANGE, T M	RAMAVHOYA, K S
MALIMA, M E	RAMUSHAVHA, G M
MALIVHA, M V	RAPHALALANI, A A
MALULEKE, K M	RASHAMUSE, A G
MAMAFHA, T C	RATSHIKUNI, D
MAMAFHA, T J	SESHOKI, T
MAMOROBELA, T P	SIMANGWE, N J
MAPHUBU, K	SINYOSI, S M
MARAGA, T A	SITHI, E T
MASHAMBA, M A	TAMBANI, T E
MASIPA, M L	TSHIAMBWA, L R
MASUKA, S	TSHIBVUMO, G
MASUTHA, L G	TSHIFURA, S S
MATHALISE, L M	TSHILAMBYANA, M S

Traditional Leaders

KHOSI NETSIANDA, P	KHOSI KUTAMA, P V
KHOSI SINTHUMULE, R M	KHOSI F MOLEMA

Officials

N F TSHIVHENGWA	(MUNICIPAL MANAGER)
N C KHARIDZHA	(DIRECTOR CORPORATE SERVICES)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT PLANNING)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
H J LUKHELI	(ACTING DIRECTOR COMMUNITY SERVICES)
C W MOLOKOMME	(DIRECTOR TECHNICAL SERVICES)
W S MATHONSI	(SARGENT OF ARMS)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

Also Present

N S MATENZHE

(AUDIT AND PERFORMANCE AUDIT COMMITTEE MEMBER)

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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 30 January 2018 to Cllrs N Kutama, M R Magada, M S Nemudzhivhadi, R T Maingo and A du Plooy.

REMARK:

- (i) The following councillors were absent from the Council meeting held on 30 January 2018: Cllr M G Phoshoko and Cllr M A Selapyana.
- (ii) Khosi T G Muila, Hosi H S Mukhari, Hosi S T Mukhari, Khosi V C Ramabulana, Khosi N T L Mashamba and Khosi M M Mphephu did not attend the meeting.

3. OFFICIAL ANNOUNCEMENTS

The Speaker, Cllr L B Mogale announced that Mr N S Matenzhe, member of Council's Audit and Audit Performance Committee (APAC) was present at the Council's meeting.

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 October 2017:

Cllr N F Chililo	5 November 2017
Cllr N J Simangwe	12 November 2017
Cllr N F Madzhiga	1 December 2017
Cllr T J Mohlaba	9 December 2017
Cllr M S Tshilambyana	12 December 2017
Cllr M G Furumela	17 December 2017
Mr M R Magada	1 January 2018
Cllr T C Mamafha	1 January 2018
Cllr L R Tshiambwa	2 January 2018

Cllr N Kutama	3 January 2018
Cllr M A Mashamba	6 January 2018
Cllr P N Musandiwa	10 January 2018
Cllr T Kutama	10 January 2018
Cllr S Z Mthombeni	19 January 2018
Cllr M J Mpashe	21 January 2018
Cllr L G Masutha	24 January 2018

5. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY PARTY SPOKESPERSONS

5.1 Cllr N A Mafhala proposed condolences to the bereaved family of the late Mr Tshamano Mulaudzi of Vleifontein who passed away on 21 January 2018. He also congratulated Cllr S S Tshifura for donating fifteen (15) pairs of school shoes at Mugororwani Primary School.

5.2 Cllr T A Maraga proposed condolences to the bereaved family of the late Mr Jackson Maluleke of Giyani who passed away on Monday, 29 January. She further proposed condolences to the bereaved family of fighter Shonisani of Ward 5 in Musina.

She then congratulated Amabungane and the Hawks for revealing how R30 million intended for Vrede Dairy Farm was diverted to pay for the 2013 Gupta wedding while Msebenzi Zwane was MEC in the Free State Province.

5.3 Cllr M D Mboyi congratulated the Deputy President of the African National Congress (ANC), Mr David Mabuza for presenting an address during the celebration of the ANC Provincial January 8 Birthday on Sunday, 28 January 2018 at Modimolle.

She further congratulated the Mayor, Cllr S M Sinyosi who hosted the Back to School Campaign and donated school uniforms and shoes to needy students.

6. CONFIRMATION OF MINUTES

6.1 REMARK:

Upon proposal by Cllr M E Malima, duly seconded by Cllr R S Baloyi, it was -

RESOLVED -

THAT the minutes of the 84th Council meeting held on 26 October 2017, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson with the following amendment:

Page 3, Paragraph 5.2

In the first sentence the words “former councillors” be substituted for the words “former colleagues in Department of Health”, and in the third sentence after the word “Affairs” to add the following “Mr K Sigidi, now the Manager: Performance Management System”.

6.2 REMARK:

Upon proposal by Cllr F N Madzhiga, duly seconded by Cllr N S Munyai, it was -

RESOLVED -

THAT the minutes of the 127th Special Council meeting held on 13 December 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 M D Mboyi, duly seconded by Cllr K M Maluleke, it was -

RESOLVED -

THAT the minutes of the 128th Urgent Special Council meeting held on 8 January 2018, 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 F N Madzhiga, duly seconded by Cllr N S Munyai, it was -

RESOLVED -

THAT the minutes of the 129th Urgent Special Council meeting held on 11 January 2018, 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 A DU PLOOY ON 15 JANUARY 2018**

The question that was received was dealt with under the provisions of Rule 37 of the Council's Standing Rules of Order, 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 five questions, as recorded below:

“Question 1:

How many traffic officials were appointed in the past 6 months?

Answer:

Four (4)

Question 2:

Are the appointed traffic officers coming from within Makhado Municipality, if not which municipality are they coming from (give us their residential addresses)

Answer:

From within Makhado Municipality three (3) and one (1) from within Thulamela Municipality. The residential addresses of the employees can be verified with administration.

Question 3:

Why were local people from within Makhado Municipality not considered?

Answer:

They were considered, 3 out of 4 are from Makhado Municipality.

Question 4:

How many applications were received, and out of all the applications how many were from Makhado Municipality, and why was none of them considered?

Answer:

Total applications received – 192

Applications from Makhado Municipality – 115

Appointed from Makhado – 3 out of 4

Three (3) of the appointed officials come from Makhado Municipality area and only one (1) official appointed was from Makwarela Township in Thulamela Municipality area in Vhembe District.

Question 5:

Is any one of the newly appointed traffic officers a neighbour to the Director Community Services?

Answer:

No.”

7.2 **QUESTION RECEIVED FROM CLLR G TSHIBVUMO ON 15 JANUARY 2018**

The question that was received was dealt with under the provisions of Rule 37 of the Council’s Standing Rules of Order, 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 six questions, as recorded below:

“Question 1:

- (a) When did we install security door; and
- (b) CCTV cameras for the Municipality?

Answer:

- (a) The Municipality did not install security doors, but security control mechanisms were fitted to strategic existing doors in the Civic Centre whereby access and movement of people were controlled by the use of access cards; and
- (b) A CCTV system during the 2011/2012 financial year.

Question 2:

Are the security doors working properly?

Answer:

Security control mechanisms that were fitted to strategic existing doors in the Civic Centre are not working.

Question 3:

Are the CC TV cameras working properly?

Answer:

No

Question 4:

- (a) Who is the service provider for the security doors and the CCTV cameras?
- (b) And how much has been paid for both security doors and CCTV cameras?

Answer:

- (a) The service provider for the security control mechanisms fitted to existing strategic doors and the CCTV Camera System is Tshedza Protective Services, Reg No 2009/064518/23 of Box 5224, Doringkruin, 2570.
- (b) R577,300.00 (Five Hundred and Seventy Seven Thousand and Three Hundred Rand)

Question 5:

- (a) As a municipality, have we paid for the security doors and CC TV services in full?
- (b) If yes, did we receive value for the tax payer's money?

Answer:

- (a) Yes
- (b) The system is not in a working condition.

Question 6:

- (a) Is there a back-up system in place for the cameras, and
- (b) Is the system in working condition?

Answer:

- (a) No
- (b) No"

8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETING

None

9. REPORT OF COUNCIL COMMITTEES: JANUARY 2018

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 January 2018

449th Urgent Special Executive Committee Meeting: 8 January 2018

450th Urgent Special Executive Committee Meeting: 11 January 2018

451st Executive Committee meeting held on 26 January 2018

452nd Executive Committee meeting held on 30 January 2018

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): January 2018

28th Urgent Special Section 79 Oversight Committee: Corporate Services meeting: 8 January 2018

29th Urgent Special Section 79 Oversight Committee: Corporate Services meeting: 11 January 2018

17th Urgent Special Section 79 Oversight Committee: Finance meeting: 11 January 2018

30th Section 79 Oversight Committee: Corporate Services meeting: 26 January 2018

18th Section 79 Oversight Committee: Finance meeting: 26 January 2018

10th Section 79 Oversight Committee: Technical Services meeting: 26 January 2018

16th Section 79 Oversight Committee: Development Planning: 16 January 2018

8th Section 79 Oversight Committee: Community Services meeting: 29 January 2018

4th Section 79 Oversight Committee: Disaster, Moral Regeneration, Sports, Arts and Culture meeting: 29 January 2018

4th Section 79 Oversight Committee: Special Programmes meeting: 29 January 2018

31st Section 79 Oversight Committee: Corporate Services meeting: 30 January 2018

19th Section 79 Oversight Committee: Finance meeting: 30 January 2018

(REMARK:

1. Item CA.1.08.01.18 was already considered at the 128th Urgent Special Council meeting held on 8 January 2018.
2. Item A.2.11.01.18 was already considered at the 129th Urgent Special Council meeting held on 11 January 2018.)

ITEM A.3.30.01.18

**PERSONNEL: TRANSFER OF WATER SERVICE AUTHORITY (WSA) AND WATER SERVICE PROVISION (WSP): ASSETS AND LIABILITIES
(5/1/1/B, 16/B & 17/B)**

RESOLVED A.3.30.01.18 (COUNCIL)

1. THAT Council takes note of previous Council Resolutions about the transfer of Water Service Authority (WSA) and Water Service Provision (WSP) to Vhembe District Municipality on 1 July 2003 as described in the report. (DCS)
2. THAT Council further takes note that the transfer process that started in 2003 only produced an WSP agency agreement which has terminated on 30 June 2017 and the transfer process failed to conclude transfer of staff, assets and liabilities. (DCS)

3. THAT Council further notes the financial advantages of approving the transfer of staff, assets and liabilities to Vhembe District Municipality which will save the Municipality from unfunded mandates to the disadvantage of the Municipality's funded mandates. (DCS)
4. THAT Council approves that the Municipal Manager engage with his Vhembe District Municipality counterpart to negotiate transfer agreement for staff, assets and liabilities and other incidental matters relating to water and sanitation, as more fully explained in the Task Team Terms of Reference, attached to the report in this regard, subject to the Council's approval of all agreements reached with Vhembe District Municipality. (MM)

TransferOfWSA_itm

ITEM A.4.30.01.18

REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS – QUARTER 2: 2017/18 FINANCIAL YEAR (10/1/6/1)

REMARK:

Council approved the recommendation of the Executive Committee as recorded herein below.

RESOLVED A.4.30.01.18 (COUNCIL) -

1. THAT note be taken of the progress with implementing Council Resolutions in respect of meetings held during Quarter 2 of the 2017/2018 financial year as more fully set out in Annexure A attached to the report in this regard. (DCS)
2. THAT with reference to item A.123.01.08.17 and item A.210.08.12.16 listed in the annexure to the report, written progress reports be submitted at the next Executive Committee meeting which also consider the following:
- 2.1 possible non-rental charge for Makhado Community Radio Station;
- 2.2 The Makhado Show Ground as a possible alternative for establishing a satellite University of Venda campus.

CouncilResolutionImplementationQ2-2017-2018_itm

(DDP)

ITEM A.5.30.01.18

DOMESTIC SERVICES: CORPORATE GOVERNANCE OF INFORMATION AND COMMUNICATION TECHNOLOGY: APPROVAL OF ICT SECURITY FIREWALL POLICY, 2018 (8/B; 8/2/3)

RESOLVED A.5.30.01.18 (COUNCIL)

THAT the ICT Security Firewall Policy, 2018 attached to the report in this regard as Annexure A be approved to become *the ICT Security Firewall Policy, 2018* of Council with effect of the date of such Resolution. (DCS)

ICTFirewallPolicy2018_itm

ITEM A.6.30.01.18**REPORTS: AUDIT AND PERFORMANCE AUDIT COMMITTEE: PROGRESS REPORT
QUARTER 1 AND QUARTER 2: 2017/2018 FINANCIAL YEAR
(4/11/1)****REMARK:**

1. When this matter was considered, Mr N S Matenzhe, member of Council's Audit and Performance Audit Committee (APAC), proposed that on page EC 2018/79 under paragraph 4. DISCLOSURES the name "Molokomme William" was erroneously omitted and it must be corrected. The proposal was accepted and accordingly recorded herein below.
2. Cllr A Matumba expressed a concern about the local economic development and investment attraction. The Speaker pointed out that the recommendation of the Executive Committee already covered such concern and disallowed further discussion of the matter, since Cllr A Matumba is a member of the Executive Committee and as such part of the Executive Committee recommendation. Cllr A Matumba insisted on being granted an opportunity to speak. The Speaker did not further entertain the insistence of Cllr A Matumba and requested him to leave the Chamber in terms of Rule 34.5 of the Standing Rules of Order, 2016. After several requests by the Speaker, Cllr A Matumba refused to leave the Chamber. The Speaker then engaged the service of the Sargent of Arms and Cllr A Matumba still refused to honour the request of the Speaker. Further support was engaged upon which Cllr A Matumba was removed from the Council Chamber and was not permitted to join the meeting again.
3. At the time when the Speaker requested the Sargent of Arms to remove Councillor A Matumba at 14:55, the four (4) traditional leaders in attendance left the Council Chamber and did not return again.
4. After the Sargent of Arms facilitated the removal of Cllr A Matumba who had refused to leave the Council Chamber as ruled by the Speaker, all members of the Economic Freedom Fighters Party left the Council Chamber at 15:01 and did not return again.
5. Council approved the recommendation of the Executive Committee as recorded herein below, with the addition of paragraph 1.1.

RESOLVED A.6.30.01.18 (COUNCIL) -

1. THAT the Consolidated Audit and Performance Audit Committee reports of Quarter 1 and Quarter 2 of the 2017/2018 financial year to Council be approved, with the following correction:
 - 1.1 The name "Molokomme William" must be inserted in paragraph 4, Disclosures, of the Quarter 1 APAC report. (MM)
2. THAT note be taken of the concern expressed about LED (Development and Investment Attraction) not performing satisfactorily. (DDP)

ReportAuditCommitteeQ1&Q2_itm

ITEM A.7.30.01.18**MID-YEAR PERFORMANCE REPORTS:
FINANCES: BUDGET ASSESSMENT: 2017/18 FINANCIAL YEAR AND SERVICE
DELIVERY AND BUDGET IMPLEMENTATION PLAN: 2017/18 FINANCIAL YEAR
(10/1/4/1 – 10/1/4/8, 10/1/5/2)****REMARK:**

Council approved paragraphs 1 and 2 of the Executive Committees' recommendations, as well as paragraph 3 of the recommendation of the Section 79 Oversight Committee: Development Planning, as recorded herein below.

RESOLVED A.7.30.01.18 (COUNCIL)

1. THAT the mid-year budget and performance assessment as tabled be noted by Council and the Audit Committee, subject to the following:
 - 1.1 On page 14 of Annexure A
The project description with its related budget and expenditure must **be corrected** and the corrected information be submitted at the first following Executive Committee meeting.
(CFO/MM)
2. THAT the Council note that an adjustment budget for income and expenditure items which require adjustments for the financial year ending 30 June 2018 will be made in terms of the section 28 of the Municipal Finance Management Act, Act no. 56 of 2003, as more fully set out in Annexure A attached to the report in this regard. (CFO)
3. THAT Council takes note of the service delivery reports in relation to the approved SDBIP for the 2017/18 financial year as submitted by Performance Management Unit and attached to the report in this regard as Annexure B, subject thereto that the progress report in respect of Department Development Planning **be corrected** in consultation with the Director Development Planning and the corrected information be submitted at the first following Executive Committee meeting.
MidyearBudget&SDBIP2017-18_itm (MM/DDP)

ITEM A.8.30.01.18**PUBLICITY: DRAFT ANNUAL REPORT 2016/17
(10/1/2; 10/1/4/1-/8)**

RESOLVED A.8.30.01.18 (COUNCIL) -

1. THAT the Draft Annual Report 2016/2017 attached as Annexure A to the report in this regard, be approved and that it be advertised for public comments. (MM)
2. THAT the Municipal Public Account Committee (MPAC) proceed with the oversight component of the Draft Annual Report 2016/2017 in order to have an Overview on the Report as more fully set out in National Treasury *Circular No. 32 of 15 March 2006*, which *Committee* must conclude their task within the given timelines as dictated by legislation, for final submission of the final report to Council by no later than 31 March 2018. (DCS)
3. THAT members of the Audit and Performance Audit Committee (APAC) be invited to serve as technical assistance to the Municipal Public Account Committee in the oversight task 2016/2017 referred to in paragraph 2 above. (MM)

4. THAT it be noted that Council's final resolve on the 2016/17 Annual Report must be passed by no later than 31 March 2018 whereupon it must be submitted to National Treasury and the Provincial Department of Local Government and Housing for submission to the Minister of Cooperative Governance and Traditional Affairs, and the Auditor General as Makhado Local Municipality's demonstration of municipal performance to its community. (MM)

DraftAnnualReport2016-17_itm

ITEM A.9.30.01.18

MID-YEAR PERFORMANCE REPORTS: FINANCES – BUDGET ASSESSMENT 2017/18 FINANCIAL YEAR (10/1/4/1 – 10/1/4/8, 10/1/5/2)

RESOLVED A.9.30.01.18 (COUNCIL)

1. THAT note be taken of the corrected project descriptions and expenditure amounts attached as Annexure A to the report in this regard as was required under Resolution A.7.30.01.18, and which forms part of the Mid-year Budget Assessment for the 2017/18 Financial Year. (CFO)
2. THAT note be taken of the corrected information under Capital Expenditure and Debtors as more fully set out in Annexure A and Annexure B attached to the report in this regard. (CFO)
3. THAT the mid-year budget and performance assessment for the 2017/2018 financial year attached as Annexure C to this report be noted. (CFO)

MidYearBudgetAssessmentCorrections_itm

ITEM A.10.30.01.18

MUNICIPAL COUNCILLORS' PENSION FUND (MCPF): APPOINTMENT OF CURATOR (5/5/11/1)

RESOLVED A.10.30.01.18 (COUNCIL)

1. THAT the recommendation of the Task Team to withdraw contributions appears to be in contravention of Section 13A of the Pension Funds Act, 1956 which declares such conduct to be a criminal offence which can lead to conviction and the liable person fined. (DCS)
2. THAT the Municipality **consider either of the following options** on behalf of members of MCPF:
 - 2.1. To lodge a complaint with the MCPF in terms of Section 30A(2) of the Pension Funds Act, 1956, and if the members of MCPF are still dissatisfied with the respond or non-response by MCPF, a complaint be lodged with the Pension Adjudicator; or
 - 2.2. Applying for the so-called "Partial Termination" to the MCPF in terms of Rule 43.3(iii) of the Rules of the MCPF which is in the absolute discretion of MCPF. (DCS)

- 3. THAT the members of the MCPF indemnify the Municipality and its agent from any claim or liability that may adversely affect the members of MCPF through the conduct of the Municipality or its agent or grant the Municipality and its agent to act on its behalf. (DCS)
- 4. THAT the Municipality appoint a legal advisor who shall act as an agent of the Municipality to assist and support the Municipality with regard to paragraph 2 above and any matter incidental thereto. (DCS)
- 5. THAT the project be budgeted for in the 2017/2018 Adjustment Budget as the legal fees budget is depleted and the matter cannot be postponed to the 2018/19 financial year budget. (CFO)
- 6. THAT Council ratifies the establishment of the Task Team on this matter appointed by the Speaker as embodied in the report in this regard. (DCS)

CouncillorsPensionFund_itm

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10. PETITIONS

None

11. NEW MOTIONS

None

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The meeting was closed and adjourned at 15:21.

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 April 2018.

CHAIRPERSON