

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE EIGHTY EIGHTH (88th) COUNCIL MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS SCHEDULED FOR 25 OCTOBER 2018 THEN POSTPONED AND HELD ON TUESDAY, 30 OCTOBER 2018 AT 14:00 IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, KROGH STREET, MAKHADO.

PRESENT

Councillors

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

Traditional Leaders

KHOSI M M MPHEPHU

Officials

N F TSHIVHENGWA	(MUNICIPAL MANAGER)
S M CAROTO	(ACTING DIRECTOR CORPORATE SERVICES)
R V PHALANNDWA	(ACTING DIRECTOR DEVELOPMENT PLANNING)
J E JOUBERT	(ACTING DIRECTOR TECHNICAL SERVICES)
W S MATHONSI	(SARGENT OF ARMS)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

Officiating Magistrate

K M MOLOKOMME (MAGISTRATE)

* * * *

1. OPENING AND NOTICE OF THE MEETING

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 especially welcomed Mr K M Molokomme, Magistrate who was present to officiate business later in the meeting.

She expressed that all be reminded of the Municipality's Vision and Mission as follows:

Vision: "A democratic, accountable and service delivery orientated municipality committed to good governance and socio-economic development of its community"

Mission : "We will use available resources effectively in order to address socio-economic imbalances through infrastructure and local economic development opportunities"

All members had received notice of the meeting, i.e. by sms, by e-mail, as well as by hard copy format.

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 Orders, 2016 published under Provincial Gazette Notice no. 2736 dated 29 July 2016 in respect of the Council meeting held on 30 October 2018 to Cllrs N D Davhana, T E Dzivhani, M G Furumela, N S Munyai, M G Phoshoko, M A Selapyana and S S Tshifura.

REMARK:

- (i) The following councillors were absent from the Council meeting held on 30 October 2018: F B Hlongwane, N Kutama and M F Mukhari.
- (ii) The following traditional leaders were absent from the Council meeting held on 30 October 2018: 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, Khosi F Molema, Khosi P V Kutama and Khosi P Netsianda did not attend the meeting.

3. OFFICIAL ANNOUNCEMENTS

The Speaker, Cllr L B Mogale announced the presence of Mr K M Molokomme, Magistrate who would officiate the swearing in of newly appointed Councillor, B K Jones. (Cllr B K Jones had replaced the former Cllr A A Raphaelalani).

Mr K M Molokomme, Magistrate officiated the swearing in of Oath by Councillor B K Jones. 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."

Upon conclusion of the ceremony, Mr K M Molokomme was released from the meeting at his own choice as he had other matters to attend to.

The Speaker congratulated Cllr B K Jones and welcomed him as new councillor at Makhado Municipality.

The duly signed Document of Oath was filed in Council's official records.

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 31 July 2018:

K S Ramavhoya	14 August 2018
E T Sithi	27 August 2018
L B Mogale	31 August 2018
G Tshibvumo	1 September 2018
J Lukheli	2 September 2018
M F Nethulwe	6 September 2018
M D Mboyi	8 September 2018
M S Machethe	10 September 2018
T M Malange	13 September 2018
K Maphubu	15 September 2018
A Matumba	21 September 2018
M R Mokgoadi	9 October 2018
P N Musandiwa	10 October 2018
T Seshoki	11 October 2018
A du Plooy	18 October 2018
G M Ramushavha	18 October 2018
N D Davhana	27 October 2018

5. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY PARTY SPOKESPERSONS

5.1 Cllr T A Maraga congratulated Cllr S I Bulala who got married at a ceremony held on Saturday, 13 October 2018 at Apostolic United Christian Church in Dzanani, Nzhelele.

5.2 Cllr N A Mafhala congratulated Cllr M J Mpashe with the new born baby by the name of Murunwa Mpashe and extended well wishes.

He further congratulated the newly elected Councillor of the Democratic Alliance, Cllr B K Jones with his election.

5.3 Cllr M D Mboyi proposed condolences to all the families of those who passed away during recent accidents on the N1 National road and other main routes. She urged every road user to abide by the rules of the roads and to maintain all safety regulations at all times.

She further congratulated Mr Tito Mboweni with his appointment as Minister of Finance and expressed that with his vast knowledge and experience in the finance sector he would manage to turn the ailing economy around.

She further extended to all learners best wishes for the exam, and encouraged those who could, to enrol with various institutions to better themselves educationally.

6. CONFIRMATION OF MINUTES

6.1 REMARK:

Upon proposal by Cllr M E Malima, duly seconded by Cllr S Z Mthombeni, it was -

RESOLVED -

THAT the minutes of the 87th Council meeting held on 31 July 2018 be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson, with the following correction:

Page 3, Paragraph 6(v)

The wording “its for” be removed and substituted with “the”.

Page 4, Paragraph 6(b)(iii)

The word “his” be substituted for the word “her”.

Page 20, paragraph 12.2

The word “discreation” in the second line be corrected to read “discretion”.

6.2 REMARK:

Upon proposal by Cllr M D Mboyi, duly seconded by Cllr M S Tshilambyana, it was -

RESOLVED -

THAT the minutes of the 87th Adjourned Council meeting held on 6 August 2018 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 T Balibali, duly seconded by Cllr P N Musandiwa, it was -

RESOLVED -

THAT the minutes of the 136th Special Council meeting held on 30 August 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 T M Malange, duly seconded by Cllr G Tshibvumo, it was -

RESOLVED -

THAT the minutes of the 137th Special Council meeting held on 28 September 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

None

8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETING

None

9. REPORT OF COUNCIL COMMITTEES: OCTOBER 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 October 2018

467th Executive Committee Meeting: 31 July 2018 (only approval of previous minutes)

468th Executive Committee Meeting: 29 August 2018

469th Executive Committee Meeting: 30 August 2018 (only approval of previous minutes)

470th Executive Committee Meeting: 20 September 2018

471st Executive Committee Meeting: 28 September 2018

472nd Executive Committee Meeting: 22 October 2018

473rd Executive Committee Meeting: 29 October 2018

474th Executive Committee Meeting: 30 October 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): October 2018

42nd and 43rd Section 79 Oversight Committee: Corporate Services meeting: 22 & 30 October 2018

24th & 25th Section 79 Oversight Committee: Development Planning meeting: 23 & 25 October 2018

29th & 30th Section 79 Oversight Committee: Finance meeting: 22 & 30 October 2018

14th Section 79 Oversight Committee: Community Services meeting: 23 October 2018

17th Section 79 Oversight Committee: Technical Services meeting: 23 October 2018

(REMARK:

Items A.129.30.08.18 to A.145.28.08.18 were already considered at the 136th Special Council meeting held on 28 August 2018.)

ITEM A.146.30.10.18 (originally A.146.25.10.18)

**REPORT: AUDIT AND PERFORMANCE AUDIT COMMITTEE: PROGRESS REPORT
QUARTER 4: 2017/2018 FINANCIAL YEAR
(4/11/1)**

RESOLVED A.146.30.10.18 (COUNCIL)

1. THAT the 4th Quarter, 2017/18 Consolidated Audit and Performance Audit Committee report to Council be adopted. (MM)
2. THAT Management must consider terminating the contract between the Municipality and SBV as they were not adhering to the Municipality's policies. (CFO)
3. THAT a report about the twenty four (24) staff members appointed for which no posts were on the approved organogram, be submitted to the Executive Committee.

ReportAuditCommitteeQ4_itm

(DCS)

ITEM A.147.30.10.18 (originally A.147.25.10.18)**COUNCIL COMMITTEES: SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013: APPOINTMENT OF MUNICIPAL APPEAL AUTHORITY (15/2/1 & 4/35)****RESOLVED A.147.30.10.18 (COUNCIL)**

THAT Council approves advertisement for the Appeal Town-planning Committee members, the term of which will run for a period of five years from date of appointment. (DDP/DCS)

AppealAuthorityMembers_itm

ITEM A.148.30.10.18 (originally A.148.25.10.18)**COUNCIL LAND: REVISED MUNICIPAL LAND SALE AND LEASE POLICY, 2018 (7/B & 7/2/2/1)****RESOLVED A.148.30.10.18 (COUNCIL)**

THAT Council approves the Municipal Land Sale and Lease Policy, 2018 which is developed in accordance with the legislative framework that guides municipal land disposal and that it be implemented with effect of this Council Resolution. (DDP/DCS)

AmendmentLandSale&LeasePolicy_itm

ITEM A.149.30.10.18 (originally A.149.25.10.18)**COUNCIL LAND: PROPOSED SALE: PARK ERF 101, WATERVAL-C TOWNSHIP (7/4/1/3 & 7/2/2/1)****RESOLVED A.149.30.10.18 (COUNCIL)**

THAT the proposed sale of park erf 101, Waterval-C Township measuring 450m²), for purpose of establishing a centre for mathematics, science and technology to Mr T T Munyai be disapproved, due to the following reasons:

1. Based on the environmental point of view, the proposed sale of park erf 101, Waterval-A Township must be disapproved.
2. The Department of Development Planning by preference identifies an alternative possible suitable site for establishment of a centre for mathematics, science and technology. (DDP)

ProposedPurchaseErf101Waterval_itm

ITEM A.150.30.10.18 (originally A.150.25.10.18)**COUNCIL LAND: PROPOSED SALE: ERVEN 913 AND 914, HA-TSHIKOTA TOWNSHIP (7/4/1/3 & 7/2/2/1)****RESOLVED A.150.30.10.18 (COUNCIL)**

THAT the proposed sale of erven 913 and 914, Ha-Tshikota to Mr A M Ramuhashi on behalf of the African Gospel Church be approved, subject to the following conditions:

1. The intention to sell erven 913 and 914, Ha-Tshikota Township be in terms of the provisions of section 79(18) of the Local Government 1939, (Ordinance 17 of 1939) as amended be advertised in one (1) of the local newspapers for comments and objections, if any.
2. A market related price without considering development and/or structure(s) for the sale of erven 913 and 914, Ha-Tshikota, will be determined by a Professional valuator.
3. In the event that the applicant fails to sign the Deed of Sale and make a payment within 6 months, the Deed of Sale will be cancelled without any further notice.
4. The property be first registered in the names of the African Gospel Church at the Deeds Office.
5. The standard conditions for sale of Municipal land will further apply.
6. A memorandum of agreement made and entered into by and between Makhado Local Municipality and Mr A M Ramuhashi on behalf of the African Gospel Church.
7. The applicant be informed in terms of the provisions of item 17(t) read with 18(4) of the Makhado Local Municipality Immovable Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that the church will bear all costs relative to the advertisements and valuation.
8. The approval is further subject to the following conditions:
 - 8.1 **Electricity:** Erf 913 & 914 Ha-Tshikota falls in the Eskom area of supply.
 - 8.2 **Water:** Water services must be confirmed by the applicant with Vhembe District Municipality as the Water Services Authority.
 - 8.3 **Sewer:** Sewer services must be confirmed by the applicant with Vhembe District Municipality as the Water Services Authority.
 - 8.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with effect of the date on which the Deed of Sale is signed.

ProposedPurchaseErf913-Erf914_itm

(DDP)

ITEM A.151.30.10.18 (originally A.151.25.10.18)

**COUNCIL LAND: PROPOSED SALE: PARK ERF 1322, HA-TSHIKOTA TOWNSHIP
(7/4/1/3 & 7/2/2/1)**

RESOLVED A.151.30.10.18 (COUNCIL)

THAT the proposed sale of park erf 1322, Ha-Tshikota Township measuring 1413m², for purpose of establishing a school for disabled and hospice to Mrs S T Ramasala as Coordinator for the Mavhonakule for the Disabled and Hospice be disapproved, due to the following reason:

Based on the environmental point of view, the proposed sale of park erf 1322, Ha-Tshikota Township must be disapproved.

(DDP)

ProposedPurchaseErf1322Ha-Tshikota_itm(2)

ITEM A.152.30.10.18 (originally A.152.25.10.18)**COUNCIL LAND: PROPOSED TRANSFER AND REGISTRATION AT THE DEEDS OFFICE IN FAVOUR OF MASHUDU SAMUEL MULAUDZI: ERF 249, ELTI VILLAS EXTENSION 1 TOWNSHIP (EE.249)****RESOLVED A.152.30.10.18 (COUNCIL)**

THAT the proposed transfer and registration of erf 249, Elti Villas Extension 1 Township at the Deeds Office that was received from M S Mulaudzi be approved, subject to the following conditions:

1. The intention to transfer and register at the Deeds Office of erf 249, Elti Villas Extension 1 Township be in terms of the provisions of section 79(18) of the Local Government 1939, (Ordinance 17 of 1939) as amended be advertised in one (1) of the local newspapers for comments, if any.
2. The transfer and registration of erf 249, Elti Villas Extension 1 Township be effected by the Makhuvha E M and N G Munonde Attorneys and Conveyancers JV.
3. The approval is further subject to the following conditions:
 - 3.1 **Electricity:** Erf 249 Elti Villas has an existing electricity supply capacity of 16kVA. 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 applicant 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 applicant 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 applicant upfront.
- 3.2 **Water:** Water services must be confirmed by the applicant with Vhembe District Municipality as the Water Services Authority.
- 3.3 **Sewer:** Sewer services must be confirmed by the applicant with Vhembe District Municipality as the Water Services Authority.
- 3.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with effect of the date of transfer, or the date on which the Deed of Sale was signed.

ITEM A.153.30.10.18 (originally A.153.25.10.18)

**REPORT: SEMINAR ON CONSTRUCTION AND MANAGEMENT OF DEVELOPMENT AREA, HELD ON THE 29th OF MAY 2018 TO THE 21st OF JUNE 2018 AT THE PEOPLE'S REPUBLIC OF CHINA
(17/20 & 17/4/1)**

RESOLVED A.153.30.10.18 (COUNCIL)

THAT Council approve of the following principles:

1. Policy and Laws in SEZs

1.1. Implementation of Spatial Planning and Land Use Management Act 16 of 2013 by the municipality has to be monitored, the reason being that the above legislation has a potential to transform the municipality in terms of speeding up processing of land development applications in the SEZ.

1.2. Spatial Development Framework and Land Use Management Scheme need to be reviewed to promote the proposed SEZ.

2. Infrastructure development

The municipality should consider prioritising infrastructure development as it is of significance in the development of SEZ. The municipality should service established townships to attract investment, for example Louis Trichardt Extension 12.

3. Safety and Security

The municipality should consider installation of surveillance cameras along major streets, open spaces and crime hotspot areas as a long term strategy to mitigate crime.

4. Environmental Protection and Sustainability

Environmental protection should be of priority to avoid and mitigate future environmental management costs as and when SEZ will be implemented.

5. Tourism

Areas with historical importance should be preserved and be maintained and incorporated in the SEZ to promote tourism and integrate different land uses within the SEZ areas, for example Dzata and Schoemansdal Museums. (DDP)

ITEM A.154.30.10.18 (originally A.154.25.10.18)**TOWN-PLANNING AND CONTROL: LAND DEVELOPMENT AND LAND USE APPLICATIONS CONSIDERED BY AUTHORIZED OFFICIAL, MUNICIPAL PLANNING TRIBUNAL AND APPEAL AUTHORITY (12/3/2)****RESOLVED A.154.30.10.18 (COUNCIL)**

THAT Council takes note of the 295 (two hundred and ninety five) land development and land-use applications considered by the Authorised Official, the 7 (seven) applications considered by the Municipal Planning Tribunal and the 1 (one) application considered by the Appeal Authority since the Committees were appointed in June 2015. (DDP)

ReportAO&Tribunal_itm(2)

ITEM A.154(i).30.10.18 (originally A.154(i).25.10.18)**PUBLICITY: REVIEW OF COMMUNICATIONS STRATEGY: 2018/19 FINANCIAL YEAR (11/B)****RESOLVED A.154(i).30.10.18 (COUNCIL)**

THAT Council approves the reviewed Communications Strategy for the 2018/2019 financial year attached to the report in this regard as Annexure A, in order to enhance public participation effectively and efficiently, effective on date of this Resolution. (DCS)

CommunicationsStrategy2018-19_itm

ITEM A.155.30.10.18 (originally A.155.25.10.18)**COUNCIL COMMITTEES: REPORT OF ATTENDANCE OF MEETINGS OF COUNCIL AND ITS COMMITTEES – APRIL 2018 TO JUNE 2018 – QUARTER 4, 2017/2018 FINANCIAL YEAR (4/1/B & 10/1/5/1)****RESOLVED A.155.30.10.18 (COUNCIL)**

1. THAT note be taken of the number of meetings held by Council and its Committees for the period 1 April 2018 to 30 June 2018 as follows:

SUMMARY OF MEETINGS HELD – QUARTER 3 OF 2017/18

DATE 2018	NUMBER OF SECTION 79 COMMITTEES' MEETINGS	NUMBER OF EXECUTIVE COMMITTEE MEETINGS	NUMBER OF COUNCIL MEETINGS
April	4	2	1
May	7	3	2
June	1	0	0
TOTAL	12	5	3

NB. Excluding LLF meetings of which four (4) were held

(DCS)

2. THAT note be taken of the *Report of Attendance of meetings by councilors* for the period 1 April 2018 to 30 June 2018 as more fully recorded in the report in this regard. (DCS)

3. THAT all councilors who were absent from three (3) or more consecutive meetings of Council and its committees be notified to appear before the Section 79 Ethics Committee to give reasons why they do not attend such meetings. (DCS)

Return of Attendance Q3 of 2017-2018

ITEM A.156.30.10.18 (originally A.156.25.10.18)

**REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS –
QUARTER 4: 2017/18 FINANCIAL YEAR
(10/1/6/1)**

RESOLVED A.156.30.10.18 (COUNCIL)

THAT note be taken of the progress with implementing Council Resolutions in respect of meetings held during Quarter 4 of the 2017/2018 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)

CouncilResolutionImplementationQ4-2017-2018_itm

(REMARK:

Items A.157.28.09.18 to A.159.28.09.18 were already considered at the 137th Special Council meeting held on 28 September 2018.)

ITEM A.160.30.10.18 (originally A.160.25.10.18)

**ELECTIONS: COUNCILOR - FILLING OF VACANCY OF PROPORTIONAL
REPRESENTATIVE OF THE D A PARTY, 2018
(3/2/5; 3/2/6)**

RESOLVED A.160.30.10.18 (COUNCIL)

THAT it be noted that **Mr Benny Kenneth Jones**, Identity number **710501 5749 088**, has been declared duly elected as Councilor of Makhado Municipality in terms of Clause 18, Schedule 1 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), by the Chief Electoral Officer **with effect of 19 September 2018** to fill the vacancy that came about due to the resignation of former Clr A A Raphalalani effective on 26 July 2018. (DCS)

CouncillorReplaceSept2018_itm

ITEM A.161.30.10.18 (originally A.161.25.10.18)

**REPORT: AUDIT AND PERFORMANCE AUDIT COMMITTEE: ANNUAL REPORT:
2017/2018 FINANCIAL YEAR
(4/11/1)**

RESOLVED A.161.30.10.18 (COUNCIL)

THAT the Annual Report (2017/18), Consolidated Audit and Performance Audit Committee reports to Council be adopted. (MM)

AnnualAPACReport_itm

ITEM A.162.30.10.18 (originally A.162.25.10.18)

**FINANCES: PROPOSED AMENDMENT OF SUPPLY CHAIN MANAGEMENT POLICY
FOR GOODS AND SERVICES
(8/3/B)**

RESOLVED A.162.30.10.18 (COUNCIL)

1. THAT in terms of clause 3 of the Municipal Supply Chain Regulations, 2005 promulgated under the Local Government: Municipal Finance Management Act, 2003, and Makhado Supply Chain Management Policy, 2018 the further amendments as outlined in the report, and more fully set out in Annexure A of the report, be approved. (CFO)
2. THAT the amended Supply Chain Management Policy, 2018 attached as Annexure A replaces the Supply Chain Management Policy, 2018 which was approved by Council Resolution A.57.31.05.18 to become the new Supply Chain Management Policy, 2018. (CFO)

AmendingSCMPolicy2018_itm

ITEM A.163.30.10.18 (originally A.163.25.10.18)

**REPORTS: PROCUREMENT: CLAUSE 36: QUOTATION DEVIATIONS: 1st QUARTER:
2018/2019 FINANCIAL YEAR
(10/1/5/2)**

RESOLVED A.163.30.10.18 (COUNCIL)

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 the 1st quarter of the financial year in the amount of R735,094.61 and which each was duly approved by the Accounting Officer before it was procured, be condoned by Council.

QuotationDeviation1stQuarter2018-2019_itm

(CFO)

ITEM A.164.30.10.18 (originally A.164.25.10.18)**FINANCES: IMPLEMENTATION OF MAKHADO MUNICIPAL SUPPLY CHAIN MANAGEMENT POLICY, 2018: QUARTER 1, 2018/19 FINANCIAL YEAR (1/3/54/1 & 10/1/5/2)****RESOLVED A.164.30.10.18 (COUNCIL)**

THAT note be taken of the implementation of the Supply Chain Management Policy, 2018 during Quarter 1 of 2018/2019 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, 2018.

ImplementationQuarter1-2018-2019SCMPolicy_itm

(CFO)

ITEM A.165.30.10.18 (originally A.165.25.10.18)**DOMESTIC SERVICES: COMPUTER SERVICES: 5 YEAR ICT STRATEGIC PLAN – PROGRESS REPORTING, Q1 OF 2018/19 FINANCIAL YEAR (8/2/3)****RESOLVED A.165.30.10.18 (COUNCIL)**

1. THAT note be taken of the 2018/19 Q1 Progress report in relation to Year 1 Implementation Plan of the 5 Year ICT Strategic Plan, 2018-2023 as set out herein below –

PROJECT	Q 1 TARGET	COMMENTS
Risk Management	Approved BIA informed BCP	Will be submitted in Q2 report
Performance Management	Implement PMS System already acquired	Will be submitted in Q2 report
Spatial & Land Use Management	Full implementation and use of ONEMAP by the GIS department	Project is still underway
Human Resources	Working interface between Munsoft and People 300 & HR system	Will be submitted in Q2 report

(DCS/MM)

2. THAT the targets which could not be achieved in Quarter 1 of 2018/19 roll over for implementing in Q2 of the 2018/19 financial year.

(DCS/MM)

Q1ProgressICT_itm

ITEM A.166.30.10.18 (originally A.166.25.10.18)**PARTICIPATION OF MAKHADO MUNICIPALITY IN PROVINCIAL SPECIAL ECONOMIC ZONE WORK STREAMS (15/3/15)****RESOLVED A.166.30.10.18 (COUNCIL)**

THAT the Municipality be represented in different Special Economic Zone work streams as follows:

Business Empowerment Work Stream

Director Development Planning

Infrastructure Work Stream

Director Technical Services

Governance Work Stream	Director Corporate Services
Environmental Management Work Stream	Director Development Planning and Director Community Services
Investments Work Stream	Director Development Planning
Skills Development Work Stream	Director Corporate Services
Municipal Town Planning Work Stream	Director Development Planning
Stakeholder Engagement and Communications	Director Corporate Services
SEZWorkStreams_itm	(ALL DIRECTORS)

ITEM A.167.30.10.18 (originally A.167.25.10.18)

COUNCIL LAND: PROPOSED SALE: PORTION MEASURING 3000M² OF PARK ERF 1925-A, WATERVAL TOWNSHIP (E1925-A & 7/4/1/3)

RESOLVED A.167.30.10.18 (COUNCIL)

THAT the proposed sale of a Portion measuring 3000m² of park erf 11925-A, Waterval Township for purpose of establishing a place of worship that was received from Mr H A Nkonyani as the Chairperson of the Evangelical Presbyterian Church In South Africa Ribolla Parish be disapproved due to the reason that the area is not suitable for this purpose.

ProposedSaleErf1925-AWaterval_itm

(DDP)

ITEM A.168.30.10.18 (originally A.168.25.10.18)

COUNCIL LAND: PROPOSED SALE: ERF 13 TSHIKOTA TOWNSHIP (TE13)

REMARK:

When this matter was considered, Cllr A Matumba proposed, duly seconded by Cllr G Tshibvumo that the recommendation of the Section 79 Oversight Committee: Development Planning be approved by Council. The proposal was accepted in general and the recording herein below done accordingly. (The principle was further applied for items A.169.30.10.18 to A.174.30.10.18.)

RESOLVED A.168.30.10.18 (COUNCIL)

THAT the matter be referred back pending further investigation by administration. (DDP)

ProposedSaleErf13Tshikota_itm

ITEM A.169.30.10.18 (originally A.169.25.10.18)

COUNCIL LAND: PROPOSED SALE: ERF 806 TSHIKOTA EXTENSION 1 TOWNSHIP (TE806)

REMARK:

The recommendation of the Section 79 Oversight Committee: Development Planning was approved by Council and recorded as Council's Resolution herein below.

RESOLVED A.169.30.10.18 (COUNCIL)

THAT the matter be referred back pending further investigation by administration. (DDP)

ProposedSaleErf806Tshikota_itm

ITEM A.170.30.10.18 (originally A.170.25.10.18)

COUNCIL LAND: PROPOSED SALE OF ERF 812 TSHIKOTA EXTENSION 1 TOWNSHIP (TE812)

REMARK:

The recommendation of the Section 79 Oversight Committee: Development Planning was approved by Council and recorded as Council's Resolution herein below.

RESOLVED A.170.30.10.18 (COUNCIL)

THAT the matter be referred back pending further investigation by administration. (DDP)

ProposedSaleErf812Tshikota_itm

ITEM A.171.30.10.18 (originally A.171.25.10.18)

COUNCIL LAND: PROPOSED SALE OF ERF 828 TSHIKOTA EXTENSION 1 TOWNSHIP (TE828)

REMARK:

The recommendation of the Section 79 Oversight Committee: Development Planning was approved by Council and recorded as Council's Resolution herein below.

RESOLVED A.171.30.10.18 (COUNCIL)

THAT the matter be referred back pending further investigation by administration. (DDP)

ProposedSaleErf828Tshikota_itm

ITEM A.172.30.10.18 (originally A.172.25.10.18)

COUNCIL LAND: PROPOSED SALE: ERF 868 TSHIKOTA EXTENSION 1 TOWNSHIP (TE868)

REMARK:

The recommendation of the Section 79 Oversight Committee: Development Planning was approved by Council and recorded as Council's Resolution herein below.

RESOLVED A.172.30.10.18 (COUNCIL)

THAT the matter be referred back pending further investigation by administration. (DDP)

ProposedSaleErf868Tshikota_itm

ITEM A.173.30.10.18 (originally A.173.25.10.18)**COUNCIL LAND: PROPOSED SALE: ERF 1766 TSHIKOTA EXTENSION 1 TOWNSHIP (TE1766)****REMARK:**

The recommendation of the Section 79 Oversight Committee: Development Planning was approved by Council and recorded as Council's Resolution herein below.

RESOLVED A.173.30.10.18 (COUNCIL)

THAT the matter be referred back pending further investigation by administration. (DDP)

ProposedSaleErf1766Tshikota_itm

ITEM A.174.30.10.18 (originally A.174.25.10.18)**COUNCIL LAND: PROPOSED SALE: ERF 1790 TSHIKOTA EXTENSION 1 TOWNSHIP (TE1790)****REMARK:**

The recommendation of the Section 79 Oversight Committee: Development Planning was approved by Council and recorded as Council's Resolution herein below.

RESOLVED A.174.30.10.18 (COUNCIL)

THAT the matter be referred back pending further investigation by administration. (DDP)

ProposedSaleErf1970Tshikota_itm

ITEM A.175.30.10.18 (originally A.175.25.10.18)**PERSONNEL:**

1. **RESIGNATION AND DECLARATION OF VACANCY: DIRECTOR DEVELOPMENT PLANNING: MS M D SINTHUMULE**
2. **APPOINTMENT OF ACTING DIRECTOR DEVELOPMENT PLANNING**
3. **RECRUITMENT PROCESS TO FILL VACANCY: DIRECTOR DEVELOPMENT PLANNING**

(SP 9/ & 5/1/2/10)

REMARK:

The recommendation of the Section 79 Oversight Committee: Corporate Services was approved by Council and recorded as Council's Resolution herein below.

RESOLVED A.175.30.10.18 (COUNCIL)

1. THAT note be taken that Ms M D Sinthumule, Director Development and Planning has in terms of the provisions of the Employment Contract concluded with the Municipality resigned from the post with last working day Wednesday, 31 October 2018. (DCS)
2. THAT Mr R V Phalanndwa, Manager Local Economic Development be designated to act as Director Development and Planning for the period 1 November 2018 and not exceeding the date of 31 January 2019 in terms of the provisions of *Section 56(1) (a) (ii) & (c) of the Local Government: Municipal Systems Act, 32 of 2000* for which an acting allowance will be paid to him in terms of the Council's approved valid in use Acting Allowance Policy. (DCS/CFO)

3. THAT Council declares a vacancy in the post of Director Development Planning and approves of the program, attached to the report in this regard as Annexure D, for the recruitment of candidates in the post of Director Development Planning which became vacant on 1 November 2018. (DCS)
4. THAT the Municipal Manager proceed with recruitment of candidates for appointment in the vacancy of Director Development and Planning in terms of the provision of *section 56(1) (a) & 3 of the Local Government: Municipal Systems Act, 32 of 2000* read with the *Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014*. (MM/DCS)
5. THAT the advertisements for the post of Director Development Planning be published and close within the period of twenty one (21) days. (DCS)
6. THAT Council further takes note that the vacant post of Director Development Planning is budgeted for and was created in the approved Staff Establishment. (DCS)
7. THAT the Selection Panel for the recruitment of the vacancy of Director Development Planning be constituted as follows:
 - (i) Municipal Manager (Chairperson)
 - (ii) Portfolio Councillor of Development Planning
 - (iii) A Municipal Manager from another Municipality within Vhembe District
 - (iv) Two external experts or persons with experience be appointed by COGHSTA or Department of Rural Development and Land Reform. (DCS)
8. THAT the Municipal Manager procures the services provided for competency assessment in time as required by Regulations 8 and 9 of the *Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014*. (MM/DCS)
9. 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: 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 under Government Notice No R493 of 15 June 2018. (DCS)

DDPResignOctober2018_itm

(REMARK: Items A.176.30.10.18 (originally A.176.25.10.18) to A.182.30.10.18 (originally A.182.25.10.18) are reports by Section 79 Standing Committee: MPAC reported directly to Council and can be found elsewhere in this minutes.)

ITEM A.183.30.10.18 (originally A.183.25.10.18)**PERFORMANCE MANAGEMENT: FIRST QUARTER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN PROGRESS REPORT: 2018/19 FINANCIAL YEAR (10/1/4/1 – 10/1/4/8)****REMARK:**

The recommendation of the Section 79 Oversight Committee: Finance was approved and recorded as Council's Resolution herein below.

RESOLVED A.183.30.10.18 (COUNCIL)

THAT Council takes note of the 1st Quarter Service Delivery and Budget Implementation Plan Progress report for the 2018/19 financial year, with the following amendments:

- i) Page EC 2018/3877 – Sports Facilities, under the column “Location” - the words “Ward 25” be changed to read “Ward 24”
- ii) Page EC 2018/3879 – Roads, bridges and Storm Water, under the column “Location” the number “25” be deleted.
- iii) Page EC 2018/3879 – Roads, Bridges and Storm Water under the column “Location” the number “18” be deleted. (MM/ALL DIRS)

SDBIPQ1-2018-2019_itm

ITEM A.184.30.10.18**COUNCIL LAND: PROPOSED SALE OF LAND, N1 BOUTIQUE HOTEL PROPOSED DEVELOPMENT (7/4/1/3)****REMARK:**

Cllr M E Malima proposed, duly seconded by Cllr A Matumba that the developer be given a time frame within which development must commence and be completed in order to ensure economic growth. The proposal was accepted in general and recorded as Council's Resolution herein below.

RESOLVED A.184.30.10.18 (COUNCIL)

1. THAT Council sells by private contract erven 4360, 4361, 4362, 4363, 4364, 4365, 4366, 4367, 4368 and 5043 including internal streets in that part, Louis Trichardt Extension 8 Township to Mr M J Mutavhatsindi to enable development of a hotel. (DDP)
2. THAT the sale referred to in paragraph 1 above be advertised to invite members of public for comments or objections, if any. (DDP)
3. THAT the property be registered in the name of the purchaser after payment of the full purchase price. (DDP)

4. THAT rezoning, consolidation and street and park closure be done after registration of the property in the name of the purchaser. (DDP)

5. THAT all other standard conditions that apply to municipal land sales shall be applicable. (DDP)

6. THAT the approval is further subject to the following conditions:

6.1 **Electricity:** Erven 4360, 4361, 4362, 4363, 4364, 4365, 4366, 4367, 4368 and 5043 in Louis Trichardt Extension 8 Township do not have electrical infrastructure. There is no electricity network in this area. We can make available 50kVA per consolidated stand and the developer must pay for the HT reticulation as well as for the LV reticulation and also for the expected capacity of 400kVA in future. Should this capacity be insufficient, any additional supply (of the anticipated 400 kVA) would be subject to-

- (a) Overall availability of capacity in the Municipality's electricity supply scheme.
- (b) A fully motivated written application by the applicant 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 applicant 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 applicant upfront.

6.2 **Property Rates:** The purchaser must pay all property rates due to the Municipality with effect from the date of signature of the Purchase Agreement.

7. THAT a timeframe for commencing and completing development be applied as dictated by Council's policy for Municipal Land Sales.

N1Hotel_itm

(DDP)

ITEM A.185.30.10.18

PERSONNEL: APPOINTMENT OF DIRECTOR TECHNICAL SERVICES (5/3/B, 5/3/4/3)

REMARK:

When this matter was considered, Cllr R S Baloyi proposed, duly seconded by Cllr M D Mboyi that the recommendation of the Section 79 Oversight Committee: Corporate Services be approved. The proposal was accepted in general and recorded as Council's Resolution herein below.

RESOLVED A.185.30.10.18 (COUNCIL)

1. THAT the vacancy in the post of Director Technical Services be re-advertised and that the provisions of Council Resolution A.45.11.05.18 be applicable; and that the acting capacity of Mr N G Ralishuku be extended until a suitable candidate is appointed in the post. (DCS)

2. THAT application for extending the acting capacity in the vacant post of Director Technical Services as set out in paragraph 1 above, be lodged in terms of the provisions of section 56(1) (b) of the Local Government Systems Act, 2003 with the MEC for Cooperative Governance, Human Settlements and Traditional Affairs, Limpopo. (DCS)

AppointmentDTS_itm(2)

CONFIDENTIAL

ITEM CA.186.30.10.18

CONFIDENTIAL

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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 2018

None

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9.4 Resolutions 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 October 2018

ITEM A.176.30.10.18 (originally A.176.25.10.18)

MPAC: PERFORMANCE MANAGEMENT: ANNUAL PERFORMANCE REPORT (SECTION 46): SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN PERFORMANCE: 2017/18 FINANCIAL YEAR (10/1/4/1; 10/1/2)

RESOLVED A.176.30.10.18 (COUNCIL)

1. THAT Council reverts to its vision and mission which are explaining its IDP objectives. (MM)
2. THAT the Chief Financial Officer must verify the expenditure column with regard to Matete & Associates Consultants as it appears incorrect. (CFO)

Section46AnnualPerformanceReportSDBIP2017-18_itm

ITEM A.177.30.10.18 (originally A.177.25.10.18)

MPAC: PERFORMANCE MANAGEMENT: FOURTH QUARTER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: 2017/18 FINANCIAL YEAR: PROGRESS REPORT (10/1/4/1; 10/1/2)

RESOLVED A.177.30.10.18 (COUNCIL)

1. THAT the Local Government Municipal Systems Act, Act No. 32 of 2000 which sets measures/indicators and targets for the key performance areas must be adhered to. (CFO)
2. THAT measures taken to improve/intervention must be implemented with full force to solve all challenges faced by the Municipality. (ALL DIRS)
3. THAT tenders must be awarded in time to avoid audit queries, with strict adherence to Supply Chain Management processes. (MM/CFO)
4. THAT in terms of variation orders, contractors must be encouraged to be serious in their work for them to finish the scope of work in time and avoid delay tactics that results in costs for Municipality. (MM/ALL DIRS)

FourthQuarterSDBIP2017-18_itm

ITEM A.178.30.10.18 (originally A.178.25.10.18)**MPAC: FINANCES: IMPLEMENTATION OF MAKHADO MUNICIPAL SUPPLY CHAIN MANAGEMENT POLICY, 2017: QUARTER 4, 2017/2018 FINANCIAL YEAR (1/3/54/1 & 10/1/5/2)**

RESOLVED A.178.30.10.18 (COUNCIL)

1. THAT before any procurement officials are encouraged to first consult the Supply Chain Management Policy so to align with the Supply Chain Management Policy, to avoid audit findings. (ALL DIRS)
2. THAT Supply Chain Management Policy must be followed without compromise and if found that the policy was not followed, strict measures must be implemented to deal with those employees who may have failed to comply with the policy. (CFO)

ImplementationQuarter4-2017-2018SCMPolicy_itm

ITEM A.179.30.10.18 (originally A.179.25.10.18)**MPAC: REPORTS: PROCUREMENT: IRREGULAR EXPENDITURE: MAY 2018 TO JUNE 2018 (10/1/5/2)**

RESOLVED A.179.30.10.18 (COUNCIL)

1. THAT Irregular Expenditure to be written off as it is irrecoverable. (CFO)
2. THAT Irregular Expenditure must be highly reduced since it is costly to the Municipality. (CFO)
3. THAT the Municipality must continue reducing Irregular Expenditure, it can contribute positively to a qualified audit report if it is controlled. (CFO)
4. THAT Supply Chain Management Policy must be followed to the latter to avoid incurring Irregular Expenditure. (CFO)

IrregularExpenditureMay2018-June2018_itm

ITEM A.180.30.10.18 (originally A.180.25.10.18)**MPAC: REPORTS: PROCUREMENT: CLAUSE 36: QUOTATION DEVIATIONS: 4th QUARTER: 2017/2018 FINANCIAL YEAR (10/1/5/2)**

RESOLVED A.180.30.10.18 (COUNCIL)

1. THAT in future officials must provide all necessary information needed in the deviation table to make sure that investigations are conducted smoothly by the Oversight Committee. (ALL DIRS)
2. THAT officials must also show the record of the total expenditure deviation for that. (CFO)

QuotationDeviation4thquarter2017-2018_itm

ITEM A.181.30.10.18 (originally A.181.25.10.18)**MPAC: SECTION 71 REPORT: JUNE 2018: 2017/2018 FINANCIAL YEAR
(6/1/1(17/18))**

RESOLVED A.181.30.10.18 (COUNCIL)

1. THAT before the expenditure that exceeds revenue is incurred; a thorough check of previous months balances must be performed; in actual fact, previous month must be favourable to cover the R77,581 deficit. (CFO)
2. THAT there must be a proper control and monitoring systems in place to handle all bad debts of the Municipality. (CFO)
3. THAT the Municipality must carry on controlling expenditure to save money. (CFO)
4. THAT the total current assets and total current liabilities must be maintained year on year to avoid problems in paying creditors. (CFO)
5. THAT before utilising more cash than inflow, the Municipality must be guided by previous months' cash flow balances to avoid an overdraft at the end of financial year. (CFO)
6. THAT the Municipality must continue putting its liabilities and debts in control. (CFO)
7. THAT debtors must be pushed to pay for services received from the Municipality. They must be reminded to pay telephonically, by sms and e-mails; and where mal-payment continues, for e.g. electricity, the electricity must be switched off. (CFO)

MPACSection71ReportsQuarter4June_itm

ITEM A.182.30.10.18 (originally A.182.25.10.18)**MPAC: SECTION 71 REPORT: JULY 2018: 2018/2019 FINANCIAL YEAR
(6/1/1(17/18))**

RESOLVED A.182.30.10.18 (COUNCIL)

1. THAT the Municipality managed to control its expenditure, however it appears some expenditure was not captured as the surplus appears to be too high. (CFO)
2. THAT the Municipality must maintain the positive figures; liabilities can be covered by assets leaving an extra amount of R554,562 – this is generally good. (CFO)
3. THAT a positive figure for cash flow must be maintained to prevent bank overdraft that accrue interest. (CFO)

4. THAT a survey must be carried out to know why households, commercial and organs of state owe huge amounts of money which they are failing to pay; this will help apply internal control measures. (CFO)

MPACSection71ReportsQuarter1July2018_itm

(REMARK: Items A.183.30.10.18 to CA.186.30.10.18 can be found elsewhere in the minutes)

ITEM A.187.30.10.18

MPAC: MEETING BETWEEN THE MINISTER OF COGTA AND AFFECTED MUNICIPALITIES ON THE INVESTMENTS WITH VBS MUTUAL BANK

(6/8/B; 6/8/1)

REMARK:

1. When this matter was considered, Cllr M D Mboyi proposed, duly seconded by Cllr T P Mamorobela that recommendation no. 5 be removed. The proposal was accepted in general and Council Resolution recorded accordingly.
2. Cllr D Ratshikuni proposed, seconded by Cllr M E Malima, that paragraph 7 of the MPAC recommendation be removed. The proposal was accepted in general and Council Resolution recorded accordingly.

RESOLVED A.187.30.10.18 (COUNCIL)

1. THAT all investments must be approved by Council. (MM/CFO)
2. THAT the Investment Policy must be amended in order to take effect of the above resolution. (CFO)
3. THAT in future, all investment portfolios must be submitted to Council on quarterly basis indicating the banks in which the Municipality has invested, the amount invested and the three (3) quotations received; this stipulation must be included in the Municipal Investment Policy. (CFO)
4. THAT in future Council must ensure that municipal funds are invested in several banks registered under the Banks Act of 1990 (Act 94 of 1990) to minimise risk exposure. (MM/CFO)
5. THAT the municipality must develop an investment risk management strategy and a register book to monitor the investments recordings. (MM/CFO)

MPACVBSDevelopment_itm

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11. PETITIONS

None

12. NEW MOTIONS

12.1 **MOTION NO. 232: RECEIVED ON 14 AUGUST 2018**

Motion no. 232 dated 7 August 2018 was dealt with 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.

The Speaker, Cllr L B Mogale first determined that the proposer and seconder was present in the meeting, and then called the proposer of the motion to read the motion.

The proposer, Cllr A du Plooy proceeded to read Motion No. 232 as follows:

“NOTICE OF THE MOTION IN TERMS OF CLAUSE 28 OF THE STANDING RULES OF ORDER: SUSPENSION OF DIRECTOR JOHANNES KANWENDO – DEPOSITS MADE TO VBS MUTUAL BANK

I hereby move, on behalf of the Democratic Alliance, that Council resolves:

- 1. To immediately commission an investigation into the circumstances, reasons and decision-making process followed in depositing municipal funds with VBS Mutual Bank in contravention of s7(3) of the Municipal Finance Management Act;*
- 2. That the Acting Municipal Manager in this period of this irregularities – Director Johannes Kanwendo be suspended without pay, pending the conclusion of this investigation,*
- 3. That, should the investigation implicate the above-mentioned municipal official, a disciplinary enquiry be commenced without delay; and*
- 4. That steps be taken to recover the funds from this individual that was involved in the illegal decision to deposit such funds with VBS.*

*Proposed By: Cllr A du Plooy Seconded By: Cllr N B Jones
Date: 7 August 2018”*

Hereupon the seconder confirmed her presence and that she had seconded the motion.

The Speaker pointed out that the matter in the motion had already duly been dealt with earlier in the meeting. The proposer of the motion agreed and pointed out the time lapse since it had been submitted.

The Speaker ruled that Motion no. 232 be therefore not further considered.

12.2 **MOTION NO. 233: RECEIVED ON 21 AUGUST 2018**

Motion no. 233 dated 15 August 2018 was dealt with 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.

The Speaker, Cllr L B Mogale first determined that the proposer and seconder was present in the meeting, and then called the proposer of the motion to read the motion.

The proposer, Cllr A du Plooy proceeded to read Motion No. 233 as follows:

“NOTICE OF INTENTION TO INTRODUCE A MOTION

In accordance with the Rules of Order Regulating the Conduct of Meetings of the Makhado Municipality, in specific Rule: NOTICE OF THE MOTION IN TERMS OF CLAUSE 28 OF THE STANDING RULES OR ORDER, read with section 58 of the Local Government: Municipal Structures Act No. 117 of 1998, I Councillor Abraham du Plooy

hereby give notice of my intention to introduce the following motion at the meeting of the abovementioned council to be held on the (insert date).

Removal of the Mayor from Office

Noting:

- That the Mayor has not in the view of council performed her duties as provided for in the legislation, regulations and policies of this Council satisfactorily;
- That such inability to perform her duties leads to insufficient delivering of services to the people of Makhado Municipality and normal operations of Council;
- That the Mayor has opposed attempts to hold those responsible for the VBS scandal accountable;
- That the Mayor denies the illegality of depositing funds with VBS, despite National Treasury advice to the contrary;
- That the action of depositing of funds with VBS has resulted in significant financial loss for the municipality.

Hereby move:

- That the Mayor be removed from the office in terms of Section 58 of the Local Government: Municipal Structures Act No. 117 of 1998.
- That the motion referred to in bullet point one, be conducted by secret ballot.
- That any vote in terms of bullet point two also conducted by secret ballot
Should the abovementioned motion be carried by the majority of votes in Council, the Council must resolve that:
 - The election of a new mayor must take place immediately in terms of Section 55(2) and (3) of the Local Government: Municipal Structures Act No. 117 of 1998.

SIGNED:

Proposer: Cllr A du Plooy

Seconded: Cllr M J Mpashe "

Hereupon the seconder, Cllr M J Mpashe confirmed his presence and that he had seconded the motion.

Cllr S Masuka proposed that the motion be not supported and that the Speaker let councillors vote on the matter. Cllr A Matumba seconded the proposal, and amended the proposal further to propose that it first be debated before the vote is taken. His proposal was not seconded.

Cllr G Mukwevho proposed, duly seconded by Cllr T J Mamafha that the vote is taken by the showing of hands, and not by secret ballot. The proposal was accepted in general.

Cllr R S Baloyi proposed that Cllr A du Plooy withdraw the motion; this proposal was not seconded and Cllr A du Plooy was not willing to withdraw the motion.

The Speaker forthwith ruled that the vote be taken by the show of hands and the outcome was as follows –

For the proposal of Cllr A du Plooy - Seven (7) Councillors

For the proposal of Cllr S Masuka - Forty five (45) councillors

Thirteen (13) councillors abstained from the vote.

Motion No. 233 dated 21 August 2018 was rejected by 45 votes to 7 votes while 13 councillors abstained from the vote.

* * * * *

The meeting was closed and adjourned at 17:30.

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 31 January 2019.

CHAIRPERSON

MDM/lh/CouncilMinutes_88