

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SUPPORT AND SHARED SERVICES

MINUTES OF THE ONE HUNDREDTH (100th) URGENT SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 18 JUNE 2015 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

PRESENT

Councillors

BALOYI, S R	MATHAVHA, H F
CHILILO, N F	MATODZI, A M
DAVHANA, N D	MATUMBA, M T
DU PLOOY, A	MBOYI, M D
HLABIOA, M M	MOGALE, L B
HLUNGWANE, K A	MPASHE, M
KUTAMA, N	MUDAU, T S
LERULE-RAMAKHANYA, M M	MUKHAHA, A J
LUDERE, R	MUKHARI, M F
LUDUVHUNGU, V S	MUTAVHATSINDI, F D
MACHETE, M S	MUTELE, T M
MADAVHU, F F	NNDWAMBI, M T
MADZHIGA, F N	NDZOVELA, N G
MAFHALA, N A	NELUVHOLA, A T
MAHANI, M G	NEMAFHOHONI, M G
MAHLADISE, S V	NGOBENI, N E
MAKHUBELE, R T	NKANYANE, R G
MAKHUVHA, V S	RATSHIKUNI, D T
MALANGE, R	REKHOTSO, S M
MALANGE, T M	RIKHOTSO, F J
MAMAFHA, T J	SELEPE, M R
MAMATSIARI, M S	SHANDUKANI, M J
MAMOROBELA, T P	THANDAVHATHU, R
MAPHAHLA, A Z	TSHAVHUYO, T G
MAPHALA, O S	TSHILAMBYANA, M S
MASHIMBYE, P F	UNDERWOOD, J P
MASUKA, S	
MATHALISE, L M	

Traditional Leaders

NONE

Officials

I P MUTSHINYALI	(MUNICIPAL MANAGER)
M D SINTHUMULE	(DIRECTOR: DEVELOPMENT PLANNING)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
N C KHARIDZHA	(DIRECTOR CORPORATE SERVICES)
M J KANWENDO	(DIRECTOR COMMUNITY SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

(REMARK: The following persons were also present at the meeting:

M E LEBEA	(SUB-REGIONAL CHAIRPERSON OF AFRICAN NATIONAL CONGRESS PARTY)
K J NETSHIFHEFHE	(REGIONAL SECRETARY OF AFRICAN NATIONAL CONGRESS PARTY)
R C NGOBENI	(COGHSTA OFFICIAL)

1. OPENING

The Speaker, Cllr L B Mogale ruled that a minute of silence be observed for meditation and prayer to the late Comrade Nephawe Freddy, 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. APPLICATION FOR LEAVE OF ABSENCE

RESOLVED –

THAT leave of absence be granted in terms of the provisions of Rule 5 of the Council's Rules and Orders published under Provincial Gazette Notice no. 1391 dated 31 August 2007 in respect of the Special Council meeting held on 18 June 2015 to Cllrs. N P Balibali, N J Matumba, T C Mamafha, S M Sinyosi, M R Magada, S D Ramudzuli, M J Gabara, T A Mmbadi, M E Malima, M P Rasimphi and N S Munyai.

REMARK:

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

1. Cllrs. N B Baloyi, B F Hlongwane, M R Madzivhandila, M P Mathoma, S Z Mthombeni, M P Mazibuko, M D Mulovhedzi, T P Netshivhulana, M Q Ratshivhombela and E H Ludere.
2. Khosi S A Mulima, Khosi M C Masakona, Hosi H N Majosi, Hosi J Baloyi, Hosi T J Mukhari, Khosi N T L Mashamba, Khosi T P Nesengani, Khosi T R V Mashau, Khosi R H Sinthumule, Khosi S T Mukhari and Khosi V C Ramabulana.

REMARK: Khosi M W Netsianda, Khosi M A Madzivhandila and Hosi M S Bungeni have passed away. No official notice had been received about new appointments in their stead.

3. OFFICIAL ANNOUNCEMENTS

- 3.1 The Speaker, Cllr L B Mogale announced that on Friday, 19 June 2015 a memorial service for the late Freddy Nephawe will be held at Dzanani Community Hall at 11:00 and all councillors were invited to attend.
- 3.2 Cllr F D Mutavhatsindi announced that on Friday, 26 June 2015, the State of the Municipal Address will be presented at Waterval Community Hall at 17:30; all councillors and their spouses were invited to attend.
- 3.3 The Speaker, Cllr L B Mogale announced Ms R Ngobeni from Coghsta, was present at the meeting.
- 3.4 The Speaker, Cllr L B Mogale announced that the Mayoral Imbizo which was scheduled for Friday, 19 June 2015 at Mauluma Village was postponed to Tuesday, 23 June 2015 at Higher Ways International Church at 10:00.

4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER

None

5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS

Cllr T G Tshavhuyo proposed congratulations to African Union (AU) for hosting a successful summit in Sandton Convention Centre, South Africa where also no Head of State had been arrested. He further proposed congratulations to the Government of Limpopo Province for successfully hosting Youth Day at University of Venda on Tuesday, 16 June 2015.

6. MATTERS CONSIDERED:

6.1 Resolution of the Council in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 100th Urgent Special Council Meeting: 18 June 2015

The report of the 377th Executive Committee meeting held on 18 June 2015

(REMARK: Items A.73.25.06.15 to A.87.25.06.15 will be considered at the Special Council meeting scheduled for 25 June 2015)

ITEM A.88.18.06.15

PROTECTION OF THE MUNICIPAL MANAGER AND THE MAYOR: THREAT TO LIFE INCIDENTS

(8/1/2/1/1 & 7/2/5)

REMARK:

1. When this item was considered, the Chairperson of the Executive Committee, Cllr F D Mutavhatsindi and the Municipal Manager, Mr I P Mutshinyali recused themselves from the meeting.
2. Cllr R Ludere proposed, duly seconded by Cllr M R Selepe that the following statement “*The threats seemed to have emanated from the suspension of the Manager Finance Expenditure who was suspended during December 2014. In the February 2015 Executive Committee meeting there was also a heated debate between Councilors on whether it was proper for the Municipal Manager to have approved the recommendations by investigators to suspend the Manager Finance Expenditure. The unknown armed people also indicated that they had been sent by a woman and amongst people who benefitted of money transferred, there is also a woman. It was during this period that the Mayor also was tipped of threats against his life and the threats were mainly targeting the Mayor when he is using the official mayoral car.*” be removed from the report. The proposal was accepted in general and recorded in Council’s Resolution.
3. Cllr R S Baloyi recused himself from the meeting when the matter was considered and did not return again.
4. Cllr S Masuka proposed, duly seconded by Cllr T P Mamorobela that the following statement “*With all due respect to Council in this circumstance the facts positively point that there is a causal nexus between the threat to the life of the Municipal Manager and his duty as an employee of the Makhado Local Municipality to approve recommendations to suspend or dismiss any employee for misconduct. The facts are corroborated by the fact that the Municipal Manager has under oath deposed an affidavit at SAPS Makhado in which he as accounting officer had to open criminal charges against the unknown perpetrators who are still at large. Under normal circumstances, those who are unsatisfied or believe otherwise, are at liberty to press charges of perjury against the Municipal Manager at the nearest SAPS Centre, which if the contents of the affidavit deposed by the Municipal Manager are found to be untrue, the Municipal Manager will be prosecuted and found guilty of perjury which will also constitute a serious misconduct that may result in his dismissal.*” be removed from the report. The proposal was accepted in general and recorded in Council’s Resolution.

RESOLVED A.88.18.06.15 (COUNCIL) –

1. THAT note be taken of the report about emergency protection services that had to be arranged for Council's Municipal Manager and Mayor during March 2015 when his life was threatened due to a causal nexus with his duties as accounting officer. (DCOMS)
2. THAT the action of the Mayor to authorise that reputable VIP Protection Service Provider be sourced, **be ratified**, in view of the special circumstances of the case as recorded in the report with a total cost of R300 900-00. (CFO)
3. THAT it be noted that the procurement of protection services under section 36 of the Supply Chain Management Regulations was reported under separate cover along with other deviations for quarter 3 of 2015/2016. (CFO)
4. THAT a policy on protection and security of officials and councilors be compiled and submitted to Council. (DCOMS)
5. THAT the contents of the report be amended in that the wording read out by Cllr R Ludere be regarded as not part of the official Council records. (DCS)
6. THAT the contents of the report be amended in that the wording read out by Cllr S Masuka be regarded as not part of the official Council records. (DCS)

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The meeting was closed and adjourned at 15:19.

Approved and confirmed in terms of the provisions of Clause 34 of the Rules and Orders, 2007 promulgated in Provincial Gazette No. 1391 of 31 August 2007 under Local Authority Notice 228, by a resolution of the Council passed at the meeting held on 30 July 2015.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_100