

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND NINTH (109th) SPECIAL URGENT COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON FRIDAY, 22 APRIL 2016 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

PRESENT

Councillors

BALIBALI, N P	MATUMBA, M T
BALOYI, N B	MBOYI, M D
CHILILO, N F	MMBADI, T A
DAVHANA, N D	MOGALE, L B
HLABIOA, M M	MPASHE, M
HLUNGWANE, F B	MTHOMBENI, S Z
KUTAMA, N	MUDAU, T S
LUDERE, E H	MUKHARI, M F
LUDERE, R	MULOVHEDZI, M D
LUDUVHUNGU, N S	MUNYAI, N S
MACHETE, M S	MUTAVHATSINDI, F D
MADAVHU, F F	MUTELE, T M
MADZHIGA, F N	NNDWAMBI, M T
MAGADA, M R	NDZOVELA, N G
MAHANI, M G	NELUVHOLA, A T
MAHLADISA, S V	NEMAFHOHONI, M G
MAKHUBELE, R T	NKANYANE, R G
MAKHUVHA, V S	RAMUDZULI, S D
MALANGE, R	RASIMPHI, M P
MALIMA, M E	RATSHIKUNI, D T
MAMAFHA, T C	REKHOTSO, S M
MAMAFHA, T J	RIKHOTSO, F J
MAPHAHLA, A Z	SELEPE, M R
MAPHALA, O S	SHANDUKANI, M J
MASHIMBYE, P F	THANDAVHATHU, R
MASUKA, S	TSHAVHUYO, T G
MATHOMA, M P	TSHILAMBYANA, M S
MATODZI, A M	UNDERWOOD, J P
MATUMBA, N J	

Traditional Leaders

NONE

Officials

N C KHARIDZHA	(ACTING MUNICIPAL MANAGER)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
C W MOLOKOMME	(DIRECTOR: TECHNICAL SERVICES)
M D SINTHUMULE	(DIRECTOR: DEVELOPMENT PLANNING)
M J KANWENDO	(DIRECTOR: COMMUNITY SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

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1. OPENING

The Speaker, Cllr L B Mogale ruled that a minute 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".

Members are reminded that notice of this meeting was given in terms of the provisions of clause 7(3) of the Rules and Orders, 2007.

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 Urgent Council meeting held on 22 April 2016 to Cllrs N E Ngobeni, R Malange, S M Sinyosi, A du Plooy, H F Mathavha, T P Netshivhulana, L M Mathalise, M M Lerule-Ramakhanya, M S Mamatsiari and M Q Ratshivhombela.

REMARK:

The following Councillors were not present at the meeting:

1. Cllrs. R S Baloyi, M J Gabara, K A Hlungwani, M R Madzivhandila, N A Mafhala, M P Mazibuko, A J Mukhaha and T P Mamorobela.
2. Khosi M C Masakona, Hosi H N Majosi, Hosi J Baloyi, Hosi T J Mukhari, Khosi N T L Mashamba, 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, Khosi S A Mulima, Hosi M S Bungeni and Khosi T P Nesengani had passed away.

3. OFFICIAL ANNOUNCEMENTS

None

4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER

None

5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS

- 5.1 Cllr M T Mutele proposed condolences to Cllr M Q Ratshivhombela who was involved in a car accident on the way to attend the Council meeting.
- 5.2 Cllr T G Tshavhuyo proposed condolences to the family of Comrade Rally Khuvhana, longest serving member in SIMA Branch who passed away on Tuesday, 18 April 2016.
- 5.3 Cllr N F Chililo proposed condolences to the families of the African National Congress Volunteer members who lost their lives on their way back from the African National Congress Local Government Election Manifesto Rally held at Port Elizabeth.
- 5.4 Cllr S Masuka proposed empathy to the community of Levubu and Valdezia who were without electricity and water services since Friday, 15 April 2016.

- 5.5 Cllr N F Chililo proposed congratulations to South African Student Congress (SASCO) for winning, University of Johannesburg and University of Fort Hare SRC elections.

6. MATTER CONSIDERED:

6.1 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 April 2016

The report of the 400th Executive Committee meeting held on 22 April 2016

ITEM A.72.22.04.16

PERSONNEL:

1. **PROGRESS REPORT ON BENCHMARKING OF SALARIES**
2. **AUTHORIZATION TO APPLY FOR AN INTERDICT AT THE LABOUR COURT: UNPROTECTED STRIKE**
(5/5/2/1)

REMARK:

1. When this matter was put for consideration, Cllr N J Matumba proposed, duly seconded by Cllr M S Tshilambyane, that the amount of R15,000.00 once off ex-gratia non-pensionable allowance referred to in paragraph 7 of the Executive Committee recommendation be withdrawn and no longer be implemented. The proposal was accepted in general and recorded as Council's Resolution.
2. Cllr N F Chililo proposed, duly seconded by Cllr T A Mmbadi, that the processes regarding interpretation of the procedures followed in arriving at Council Resolution A.53.31.03.16, be stopped with immediate effect.

Cllr R Ludere further proposed, duly seconded by Cllr T A Mmbadi, that all processes be stopped but it must not be construed as if Council was admitting that it did not follow the correct procedure in the first place. It was now no longer necessary to engage in any form of consultation or seeking legal advice in this matter because the offer of R15,000.00 was withdrawn.

Cllr F D Mutavhatsindi proposed by clarifying that the legal processes to be stopped relates to seeking advice on how Council arrived at its decision. The proposal was accepted in general and it was recorded as Council Resolution below.

RESOLVED A.72.22.04.16 (COUNCIL)

1. THAT Council takes note of the progress regarding the implementation of Council Resolution A.53.31.03.16 as recommended in the Local Labour Forum. (DCS)
2. THAT due to the intensification of intimidation, threats to non-striking employees, disruption of Municipal operations, damage to certain Municipal properties, threats to damage Municipal infrastructure and properties, threats to the health, safety and hygiene of the residents of the Municipality, Council authorizes the Municipal Manager to apply for an interdict against SAMWU and the striking employees, and to also seek cost against the Union and its leadership for failing to intervene and advice its members to resume their duties as instructed by the employer. (DCS)
3. THAT Council prohibits Trade Unions and its members to use the Council Chamber for Union activities without prior written permission of the Office of the Speaker. (DCS)

4. THAT Council takes note that the matter of vandalism was reported at the SAPS Makhado under case no. 183/4/2016 for the Levubu 66KV transmission line and case no. 194/4/2016 for the Mara transmission line. (DCS)
5. THAT Council instructs management to implement the no work no pay principle in respect of employees who do not render services to the Municipality due to their participation in the strike. (DCS/CFO)
6. THAT Council authorizes and mandates the Municipal Manager to take all actions necessary to ensure that the interests of the Municipality are protected and not compromised by the illegal and unprotected strike, and these steps includes but are not limited to instructing attorneys, advocates and any employee of the Municipality to do what is necessary to advance the interest of the Municipality. (MM)
7. THAT the offer of an ex-gratia once-off payment of R15 000,00 non-pensionable allowance staggered over three years to all employees as in Council Resolution A.53.31.03.16 be withdrawn with immediate effect. (DCS/CFO)
8. THAT the consultation and legal processes regarding interpretation of the procedures followed in arriving at Council Resolution A.53.31.03.16, be stopped with immediate effect, since it was now no longer necessary to engage in any form of consultation or seeking legal advice in this matter because the offer of R15,000.00 was withdrawn. (DCS)
9. THAT the Administrative Component appoints service providers for essential services affected during the period of this unprotected strike. (MM/ALL DIRS)

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The meeting was closed and adjourned at 15:07.

Approved and confirmed in terms of the provisions of Clause 34 of the Rules and Orders, 2007 promulgated in Provincial Gazette No. 1391 of 31 August 2007 under Local Authority Notice 228, by a resolution of the Council passed at the meeting held on 28 July 2016.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_109