

MAKHADO LOCAL MUNICIPALITY
OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND SIXTY SECOND (162nd) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD AT THE MAIN HALL, SHOW GROUND, SIBASA ROAD, MAKHADO ON TUESDAY, 23 NOVEMBER 2021 AT 10:00.

PRESENT

Councillors

BALOYI, R	MASHAU, T C
BALOYI, R S	MASIPA, P N
BALOYI, S E	MASUKA, S
CHILILO, N F	MATHALISE, L M
DAVHANA, N D	MATUMBA, N J
DZHIVHUHO, A S	MBOYI, M D
FURUMELE, M G	MOGALE, L B
GABARA, M J	MOKGOADI, M R
HALGREEN, C D	MPASHE, M J
HLANGWANI, B	MUDUNUNGU, N A
HLONGWANE, B F	MUKHELI, K
JONES, N B	MUKHUBA, R
KUTAMA, N	MUKHUDWANA, R
KUTAMA, T	MUKOSI, M
MABASA, W	MUKWEVHO, G T
MABUDU, H G	MULAUDZI, M E
MADAVHA, A	MULEFU, M E
MADZHIGA, F N	MUNYAI, N
MAGADA, M R	MUNYAI, N S
MAHOSI, N S	MUSHANDANA, T T
MAINGO, R T	NDOU, M D
MAKAMU, T T	NEMUDZIVHADI, N S
MAKHUBELE, F P	NGOBENI, T T
MAKWALA, M R	PHANGAMI, L
MALANGE, M C	PHULUWA, M I
MALANGE, T M	RALIPHADA, R
MALIVHA, N V	RAMALIVHANA, M
MALULEKE, H G	RAMALWA, M W
MAMAFHA, T C	RAVELE, T R
MAMAFHA, T J	SEBOLA, D J
MAPHAHLA, A Z	SELAPYANA, M A
MAPHAKELA, K P	SIMANGWE, N J
MAPHUBU, K	SINGO, M D
MARAGA, M	SITHI, E T
MARAGA, T A	SMALLE, P
MASHAMBA, L	SWALIVHA, M
MASHAU, P	TSHIDAVHU, I A

Officials

K M NEMANAME	(ACTING MUNICIPAL MANAGER) (ACTING CHAIRPERSON)
N G RALIPHADA	(ACTING CHIEF FINANCIAL OFFICER)
S G MAGUGA	(ACTING DIRECTOR CORPORATE SERVICES)
R V PHALANNDWA	(ACTING DIRECTOR DEVELOPMENT PLANNING)
M G RALISHUKU	(ACTING DIRECTOR TECHNICAL SERVICES)
H J LUKHELI	(ACTING DIRECTOR COMMUNITY SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

Traditional Leaders

None

Guests

K M MOLOKOMME

W S MATHONSI

I KEKANA (SALGA)

S P MOLEPE (SALGA)

H P MOBBIE (MEO)

H M MOKWEBO (IEC)

* * * * *

REMARK:

1. Since this was the first meeting of Council following the general municipal elections held on 1 November 2021, the Acting Municipal Manager, Mr K M Nemaname acted in terms of the provisions of Section 29(2) of the Municipal Structures Act, 1998, as amended, as Chairperson of the meeting for all the business up to and including the election of a councillor in the Office of Speaker, i.e. items 1 to 4 of the Agenda of the meeting, covering the reports under only items A.124.23.11.21 to A.126.23.11.21.
2. The Show Hall was used as venue for the meeting to comply with requirements of Covid 19 Regulations for level 1, promulgated under Notice R959 of 20 September 2021 in Government Gazette No. 45253 of 30 September 2021.

1. OPENING

The Acting Municipal Manager, Mr K M Nemaname ruled that a moment of silence be observed for meditation and prayer, whereafter he declared the meeting officially opened. He then reminded all present to observe Covid 19 measures by maintaining social distance and wearing masks.

2. APPLICATION FOR LEAVE OF ABSENCE

None

REMARK:

Cllr K Mavhungu was absent from the Special Council meeting held on 23 November 2021 at 10:00.

3. OFFICIAL ANNOUNCEMENTS**3.1 Presence of Dignitaries**

The Chairperson, Mr K M Nemaname acknowledged the presence of Mr K M Molokomme, Magistrate who would officiate the swearing in of Councillors. He also announced the presence of Salga representatives, I Kekana and S P Molepe, and representatives of Coghsta and the Independent Electoral Commission.

3.2 Signing of Attendance Register

The Chairperson, Mr K M Nemaname announced that all councillors must sign the attendance register which was circulated as required by the provisions of Clause 4 of the Code of Conduct for Councillors.

3.3 Introduction of Councillors and Officials

The Chairperson, Mr K M Nemaname granted opportunity to all councillors to introduce themselves one after the other to the meeting by mentioning their name, surname and political party affiliation. When this was concluded, the senior management of Municipality introduced themselves.

3.4 Information Pack

The Chairperson, Mr K M Nemaname referred to the Information Packs made available to Councillors on 20 November 2021, and announced that Councillors must read through all the documents as it consists of various strategic information documents.

4. MATTERS CONSIDERED:

Resolutions of the Council in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 162nd Special Council Meeting: 23 November 2021

ITEM A.124.23.11.2021

**ELECTIONS: COUNCILLORS ELECTED ON 1 NOVEMBER 2021
(15/1; 3/2/9)**

REMARK:

The Acting Municipal Manager was the Chairperson of the meeting when this matter was considered.

RESOLVED A.124.23.11.21 (COUNCIL)

1. THAT note be taken of the names of seventy-five (75) persons that have been elected as municipal councilors with effect from 10 November 2021 in terms of the provisions of the Local Government: Municipal Structures Act, 117 of 1998, as amended for the term of office as recorded under section 24 of the Structures Act, as more fully set out in Annexure A attached to the report in this regard. (DCS)

2. THAT councillors be remunerated in accordance with the Upper Limits of Salaries, Allowances and Benefits of Municipal Office Bearers promulgated under the Remuneration of Public Office Bearers Act, 1998(Act NO. 20 of 1998), by Department of Co-Operative Governance And Traditional Affairs in Notice No. 475 of 24 April 2020 and published in Government Gazette No 43246 of 24 April 2020, read with Government Notice no 1465 promulgated on 2 November 2021 in Government Gazette No 454205 of 2 November 2021.

ITEM A.125.23.11.21**ELECTIONS: OATH OF SOLEMN AFFIRMATION BY MEMBERS OF COUNCIL
(3/2/9)****REMARK:**

1. The Acting Municipal Manager was the Chairperson of the meeting when this matter was considered.
2. Mr K M Molokomme, Magistrate was present and officiated the swearing on by Oath or Affirmation of each one of the seventy four (74) councillors present at the meeting. One (1) Councillor was absent and thus not sworn in at this occasion.
3. The duly signed Oath or Solemn Affirmation forms are filed in Council's official records.

RESOLVED A.125.23.11.21 (COUNCIL)

THAT it be noted that Mr K M Molokomme, Magistrate conducted the declaration ceremony of the Oath or Solemn Affirmation during which each one of the seventy four (74) Councillors present at the meeting, 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."

Or

"Solemn Affirmation: I solemnly declare 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. I affirm"

(DCS)

SC1NovOath_itm

ITEM A.126.23.121.21**ELECTIONS: ELECTION OF SPEAKER OF COUNCIL: 2021/22 TO 2026/27 TERM OF OFFICE
(3/3/3)****REMARK:**

The Acting Municipal Manager was the Chairperson of the meeting when this matter was considered.

The Chairperson called for nomination of candidates to be elected in terms of the provisions of section 36 read with Schedule 3 of the Local Government: Municipal Structures Act, 17 of 1998, as amended, in the Office as Speaker of Council.

Cllr R S Baloyi proposed, duly seconded by Cllr R Raliphada that Cllr M D Mboyi be elected in the Office of Speaker of Makhado Local Municipality. Cllr M D Mboyi accepted the nomination.

Cllr N D Davhana proposed, duly seconded by Cllr N F Chililo that Cllr L B Mogale be elected in the Office of Speaker of Makhado Local Municipality. Cllr L B Mogale accepted the nomination.

The two nomination forms were handed to the Chairperson which he read to the meeting. Since two (2) nominations were received, the Chairperson arranged that the vote be done by way of secret ballot as dictated by Schedule 3 of the Structures Act. The secretariat handed ballots to Councillors.

Before the election was conducted, Cllr R S Baloyi proposed 20 minutes adjournment of the meeting. The proposal was seconded by Cllr G T Mukwevho. The proposal was accepted in general and the Chairperson granted the proposal that the meeting adjourn, and ruled that it be for 15 minutes only.

The meeting resumed after 30 minutes.

The meeting adjourned at 12:58.

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REMARK: The adjourned meeting resumed again at 17:00 after notice of the meeting was given by electronic media.

MINUTES OF THE ADJOURNED ONE HUNDRED AND SIXTY SECOND (162nd) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD AT THE MAIN HALL, SHOW GROUND, SIBASA ROAD, MAKHADO ON TUESDAY, 23 NOVEMBER 2021 AT 17:00.

PRESENT

Councillors

BALOYI, R	MAMAFHA, T J
BALOYI, R S	MAPHAHLA, A Z
BALOYI, S E	MAPHAKELA, K P
CHILILO, N F	MAPHUBU, K
DAVHANA, N D	MARAGA, M
DZHIVHUHO, A S	MARAGA, T A
FURUMELE, M G	MASHAMBA, L
GABARA, M J	MASHAU, P
HALGREEN, C D	MASHAU, T C
HLANGWANI, B	MASIPA, P N
HLONGWANE, B F	MASUKA, S
JONES, N B	MATHALISE, L M
KUTAMA, N	MATUMBA, N J
KUTAMA, T	MBOYI, M D
MABASA, W	MOGALE, L B
MABUDU, H Ga	MOKGOADI, M R
MADAVHA, A	MPASHE, M J
MADZHIGA, F N	MUDUNUNGU, N A
MAGADA, M R	MUKHELI, K
MAHOSI, N S	MUKHUBA, R
MAINGO, R T	MUKHUDWANA, R
MAKAMU, T T	MUKOSI, M
MAKHUBELE, F P	MUKWEVHO, G T
MAKWALA, M R	MULAUDZI, M E
MALANGE, M C	MULEFU, M E
MALANGE, T M	MUNYAI, N
MALIVHA, N V	MUNYAI, N S
MALULEKE, H G	MUSHANDANA, T T
MAMAFHA, T C	NDOU, M D

NEMUDZIVHADI, N S
 NGOBENI, T T
 PHANGAMI, L
 PHULUWA, M I
 RALIPHADA, R
 RAMALWA, M W
 RAVELE, T R
 SEBOLA, D J

SELAPYANA, M A
 SIMANGWE, N J
 SINGO, M D
 SITHI, E T
 SMALLE, P
 SWALIVHA, M
 TSHIDAVHU, I A

Officials

K M NEMANAME	(ACTING MUNICIPAL MANAGER) (ACTING CHAIRPERSON)
N G RALIPHADA	(ACTING CHIEF FINANCIAL OFFICER)
S G MAGUGA	(ACTING DIRECTOR CORPORATE SERVICES)
R V PHALANNDWA	(ACTING DIRECTOR DEVELOPMENT PLANNING)
M G RALISHUKU	(ACTING DIRECTOR TECHNICAL SERVICES)
H J LUKHELI	(ACTING DIRECTOR COMMUNITY SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

Traditional Leaders

None

Guests

K M MOLOKOMME
 W S MATHONSI
 I KEKANA (SALGA)
 S P MOLEPE (SALGA)
 H P MOBBIE (MEO)
 H M MOKWEBO (IEC)

1. OPENING

The Acting Chairperson, Mr K M Nemaname (Acting Municipal Manager) welcomed members at the continuation of the adjourned meeting and declared the meeting officially opened.

2. APPLICATION FOR LEAVE OF ABSENCE

None

REMARK:

Cllr K Mavhungu and Cllr M Ramalivhana were absent from the Special Council meeting held on 23 November 2021 at 17:00.

ITEM A.126.23.121.21

ELECTIONS: ELECTION OF SPEAKER OF COUNCIL: 2021/22 TO 2026/27 TERM OF OFFICE

(3/3/3)

REMARK:

1. The Acting Municipal Manager was the Chairperson of the meeting when this matter was considered.
2. When the Council meeting resumed, the Chairperson indicated that before the meeting adjourned, two written nominations for the election in Office of the Speaker was handed in, i.e.
 - 2.1 Cllr M D Mboyi, proposed by Cllr R S Baloyi and seconded by Cllr R Raliphada
 - 2.2 Cllr L B Mogale, proposed by Cllr N D Davhana and seconded by Cllr N F Chililo
3. Cllr L B Mogale hereupon informed that she withdrew acceptance of her nomination as candidate for the Office of Speaker.

4. Since only one candidate remained nominated, i.e. Cllr M D Mboyi, the Chairperson declared Cllr M D Mboyi duly elected unopposed in the Office of Speaker of Council for the term of office that ends with the next general municipal elections.
5. The Chairperson congratulated Cllr M D Mboyi with her election as Speaker of Council and then called her to take the chair and to officiate in the further business of the Council's agenda for the day. The Speaker took the chair accordingly and presided over the further business as Speaker of Council from this point onwards.

RESOLVED A.126.23.11.21 (COUNCIL)

THAT it be noted that Cllr M D Mboyi was duly elected unopposed in terms of the provisions of section 36 read with Schedule 3 of the Local Government: Municipal Structures Act, 17 of 1998, as amended, in the Office of Speaker of Council for the term that will end with the next general municipal elections.

SC1NovSpeaker_itm

(DCS)

REMARK:

The Speaker, Cllr M D Mboyi was the Chairperson of the meeting from this point in the Agenda, onwards.

ITEM A.127.23.11.21

LEGISLATION: COUNCIL AND COMMITTEE MEETINGS: STANDING RULES OF ORDER, 2016 AND ADDENDUM, 2020 : CONDUCTING MEETINGS (1/3/34/1; 4/2/1)

RESOLVED A.127.23.11.21 (COUNCIL)

THAT it be noted that the *Standing Rules of Order, 2016* of Makhado Local Municipality which was promulgated in Provincial Gazette No. 2736 of 29 July 2016 as published under Local Authority Notice No. 125 dated 29 July 2016, read with the Addendum, 2020 promulgated under Local Authority Notice No 52 of 2020 published in Provincial Gazette No 3092 of 31 July 2020, a copy of which is attached as Annexure A to this report, is the primary tool in terms of which Council and its committees conduct its business.

SC1NovRulesOrders_itm

(DCS)

ITEM A.128.23.11.21

**OFFICE BEARERS: (1) DETERMINATION OF MEMBERS OF EXECUTIVE COMMITTEE
(2) ELECTION OF MAYOR
2021/2022 TO 2026/2027 TERM OF OFFICE
(3/3/3)**

REMARK:

1. When this matter was considered, the Speaker requested the Authorized Representatives of political parties for the names of candidates that must be determined as Members of Executive Committee for the following seats:

2.

PARTY	NUMBER OF SEATS IN EXECUTIVE COMMITTEE
African National Congress (ANC)	8
Democratic Alliance (DA)	1
Economic Freedom Fighters (EFF)	1
Number of Seats	10

2. Cllr R S Baloyi, the Authorized Representative of the ANC, presented the following Councillors as Member of the Executive Committee:

Name	Portfolio
Cllr M R Magada	Finance and Budget
Cllr G T Mukwevho	Technical Services
Cllr N Munyai	Development Planning
Cllr N J Matumba	Corporate Services
Cllr R Raliphada	Community Services
Cllr R Maingo	Youth and Special Programmes
Cllr K Maphubu	Disaster and Moral Regeneration
Cllr N S Munyai	

3. Cllr M J Mpashe, the Authorized Representative of the DA submitted that Cllr N B Jones be determined as Member of the Executive Committee.

4. Cllr M W Ramalwa, the Authorized Representative of the EFF submitted that Cllr T A Maraga be determined as Member of the Executive Committee.

5. The Speaker, Cllr M D Mboyi then declared the following members as duly determined in the Office of Member of Executive Committee and congratulated them with the achievement -

Cllr N S Munyai (ANC)
 Cllr K Maphubu (ANC)
 Cllr R Maingo (ANC)
 Cllr R Raliphada (ANC)
 Cllr N J Matumba (ANC)
 Cllr N Munyai (ANC)
 Cllr G T Mukwevho (ANC)
 Cllr M R Magada (ANC)
 Cllr N B Jones (DA)
 Cllr T A Maraga (EFF)

6. The Speaker then called for nomination of candidates for election in terms of the provisions of section 48 read with Schedule 3 of the Local Government: Municipal Structures Act, 117 of 1998, as amended, in the Office of Mayor and Chairperson of the Executive Committee of Makhado Local Municipality.

7. Cllr N A Mudunungu proposed, duly seconded by Cllr L M Mathalise that Cllr N S Munyai be elected as the Mayor of Makhado Local Municipality and Chairperson of the Executive Committee. Cllr N S Munyai accepted the nomination as candidate.

8. The Speaker, Cllr M D Mboyi called for further nominations. Since no further nominations were received the Speaker declared Cllr N S Munyai duly elected unopposed in the Office of Mayor and Chairperson of the Executive Committee, for the period ending with the next general municipal elections.

9. The Speaker, then requested the Acting Director Corporate Services to officiate in bestowing the Mayoral Chain to the Mayor.

10. Hereupon the Mayor delivered a maiden speech as follows:

*“Madam Speaker Cllr Mboyi Dorcus Executive
Committee Members Fellow Councillors
Acting Municipal Manager Mr Nemaname KM and his Administration
Team
IEC Officials
Leadership of African National Congress Vhembe Region
Presiding Magistrate His worship Molokomme K.W
Leadership of ANC Alliance Partners (COSATU, SACP and SANCO)
The Chairperson of Vhembe House of Traditional Leaders Thovhele
Vho–Kutama and all traditional leaders present Representatives of our trade Unions both
SAMWU and IMATU Community structures and Members of the public
Media Houses
Distinguished Guests*

Let me from the outset thank the African National Congress for giving us the opportunity and the mandate to lead the more than 416 000 people of Makhado Municipality. I am also standing before you, being grateful for the trust and overwhelming mandate that you and the council have once again allowed the African National Congress to continue with the programme designed to achieve a better life for all residents of Makhado.

I also wish to extend a hand of friendship and willingness to work together with all opposition parties, for the common course of serving our people, like the ferocious sharks and the beautiful yellow fish, swimming together in the same water, we are bound to work together as a team. Through robust debates and diverse opinions, we will build a better and prosperous Local Municipality. After all, we are all brought together by the common objective of achieving a better life for all.

Madam Speaker, this year also marks the sixth democratically elected Local Government Administration. I want to thank and congratulate the IEC for its sterling work in organising and running the 2021 Local government Elections in an effective and professional manner within a very short space of time. By virtue of being members of the African National Congress, we are mandated to advance, deepen our democracy and provide quality and sustainable services to our people.

Madam Speaker, Section 152, chapter seven of South African Constitution clearly elaborates the objectives of local government as follows:

- 1. To provide democratic and accountable government for local communities*
- 2. To ensure the provision of services to communities in a sustainable manner*
- 3. To provide social and economic development*
- 4. To promote safe and healthy environment*
- 5. To encourage the involvement of communities and community organisations in the matters of local government*

Madam Speaker, I accept this responsibility fully aware that some of our communities are still experiencing the following challenges:

- 1. Poor Access Roads /Streets*
- 2. Serious water services challenges facing the majority of our communities*
- 3. High Unemployment rate*
- 4. Electricity cut-off, especially in town*

Madam Speaker, the above-mentioned challenges have got a potential of negatively affecting the confidence of our people. All of us as elected by the residents of Makhado, we have an obligation to restore the confidence of the people to us as public representatives by ensuring that every community has access to basic services and by also ensuring that we build an administration which is accountable to the people of Makhado as a whole. It is time to work together and act now to address service delivery challenges; we must all of us make sure that state machinery works for Makhado citizens. We need not take advantage of our people and if we do, they will rise against us.

Madam Speaker, as I have alluded to above, it will require all of us to work diligently to tackle and resolve these daunting challenges. I call upon the Acting Municipal Manager and the whole management team to work very hard to ensure that quality services are rendered to our impoverished communities.

Madam Speaker, we remain committed to develop and strengthen the local economy, to promote growth that will create an enabling environment for Job creation.

Honourable members, both the Provincial and National governments have declared Musina/Makhado as a Special Economic Zone. This declaration will facilitate the development of Musina/Makhado to be amongst the first cities to be constructed by the Post-Apartheid democratic government in the district. Furthermore we have the obligations as politicians to ensure that the people of Makhado become active participants and the beneficiaries from these Special Economic Zones.

To all councillors, we say it is time to put our differences aside and unite in the delivery of services to the citizens of Makhado, especially our rural communities.

Madam Speaker, we are therefore looking forward to enhancing our methodologies of continuing to deliver quality services to the community, which include the reduction of unemployment. From here I am directing the Acting Municipal Manager to speed-up the process of filling all the advertised vacant positions by not later than the end of January 2022. By the end of Friday this week, my office needs to be updated on the process plan of those positions. We are all aware that our municipality is being run by Managers accountable to the Municipal Manager on acting capacity, I'm therefore directing the Acting Accounting Officer to further advertise the top management positions within a period of two weeks from today as per our previous council resolution.

Since we have already appointed the service providers for patching of potholes, streets grading and re-gravelling, the Acting Accounting Officer should further submit a plan of such grading and re-gravelling to the office of the Mayor by Friday this week including the patching of potholes in our R293 towns and village roads and streets.

Honourable Members, indeed there is a serious challenge of electricity cut off time and again especially here in town, it is imperative for the Acting Municipal Manager to do a comprehensive analysis and come up with a long lasting solution to address these challenges.

Let me take this opportunity to also appreciate the outgoing councillors for the job well done in bettering the life of our communities. We thank them and the team for laying a solid foundation.

Honourable Members, Ladies and gentlemen, I am both mindful and being grateful of the confidence shown in me by this council. I also want to thank my political party, the glorious movement, for deploying me as the Mayor of Makhado Local Municipality. This will indeed bear fruit to the people of Makhado as most of the challenges they are faced with are well known to us.

In conclusion, madam speaker, we will ensure that we work together with our communities to accelerate service delivery, improve the quality of lives by creating a conducive environment for investors to create jobs, and ensure that we create a culture of clean and transparent governance. We will walk side by side with our communities to fight corruption and maladministration. With the support of all community stakeholders, we will succeed to continue improving our audit opinion, restoring public confidence and lastly to provide sustainable and uninterrupted services to the most needy communities of our Municipality.

I thank you.”

RESOLVED A.128.23.11.21 (COUNCIL)

1. THAT the Executive Committee be composed of ten (10) members as permitted in terms of the provisions of section 43 of the Local Government: Municipal Structures Act, 117 of 1998, read with Amendment Act No. 3 of 2021 and that the award of seats to political parties be as recorded in paragraph 2 below. (DCS)
2. THAT the following councillors are determined as Members of the Executive Committee for the term of office that ends with the next general municipal election:

	Name	Party	Portfolio
1	Cllr N S Munyai	ANC	
2	Cllr M R Magada	ANC	Finance and Budget
3	Cllr G T Mukwevho	ANC	Technical Services
4	Cllr N Munyai	ANC	Development Planning
5	Cllr N J Matumba	ANC	Corporate Services
6	Cllr R Raliphada	ANC	Community Services
7	Cllr R Maingo	ANC	Youth & Special Programmes
8	Cllr K Maphubu	ANC	Disaster and Moral Regeneration
9	Cllr N B Jones	DA	
10	Cllr T A Maraga	EFF	

(DCS)

4. THAT it be noted that Cllr N S Munyai was duly elected unopposed in terms of the provisions of section 48 read with Schedule 3 of the Local Government: Municipal Structures Act, 17 of 1998, as amended, in the Office of Mayor of Makhado Local Municipality and Chairperson of the Executive Committee for the term that will end with the next general municipal elections.

SC1NovExcoMembers_itm

(DCS)

ITEM A.129.23.11.21**ELECTIONS: ELECTION OF THE CHIEF WHIP: 2021/2022 TO 2026/2027
(3/3/3)****REMARK:**

When this matter was considered, the Speaker, Cllr M D Mboyi called for nomination of candidates for election in the Office of Chief Whip of Makhado Local Municipality. Cllr N Munyai proposed, duly seconded by Cllr M S Magada, that Cllr R S Baloyi be elected as Chief Whip of Makhado Local Municipality. Cllr R S Baloyi accepted the nomination.

The Speaker called for further nominations. Since no further nominations were received, the Speaker declared Cllr R S Baloyi duly elected unopposed in the Office of Chief Whip of Makhado Local Municipality for the term that would end with the next general municipal elections.

RESOLVED A.129.23.11.21 (COUNCIL)

THAT it be noted that Cllr R S Baloyi was elected unopposed in the Office of Chief Whip of Makhado Local Municipality for the term of office, which runs until the next general municipal elections, and that the designation of such elected councillor is in terms of the contents of General Notice No. 133 of 2021 published in Provincial Gazette No. 3208 dated 22 October 2021. (DCS)

SC1NovWhip_itm

ITEM A.130.23.11.21**COUNCIL COMMITTEES: APPOINTMENT OF CHAIRPERSON AND MEMBERS OF MUNICIPAL PUBLIC ACCOUNT COMMITTEE (MPAC)
(4/33)****REMARK:**

When this matter was considered, the Speaker, Cllr M D Mboyi called for proposal of candidates for appointment in the Office of Chairperson of Municipal Public Account Committee of Makhado Local Municipality.

Cllr G T Mukwevho proposed, duly seconded by Cllr N J Simangwe that Cllr N V Malivha be appointed as Chairperson of the Municipal Public Account Committee of Makhado Local Municipality. Cllr N V Malivha accepted the nomination.

The Speaker called for further proposals. Since no further proposals were received, the Speaker declared that Cllr N V Malivha was appointed as Chairperson of the Municipal Public Account Committee of Makhado Local Municipality for the term that would end with the next general municipal elections.

RESOLVED A.130.23.11.21 (COUNCIL)

1. THAT Council approves the appointment of Cllr N V Malivha as full-time councillor in the Office of Chairperson of Municipal Public Account Committee (MPAC), a committee established in terms of section 79A of the Municipal Structures Act, 1998, as amended, and as provided for in Provincial Notice No 133 of 22 October 2021 of the Department of Co-operative Governance, Human Settlement and Traditional Affairs, promulgated in Provincial Gazette No 3208 of 22 October 2021. (DCS)
2. THAT the appointment of members of the MPAC be deferred to the first following Council meeting. (DCS)

SC1NovMPAC

ITEM A.131.23.11.21**PUBLIC OFFICE BEARERS: DESIGNATION OF FULL-TIME COUNCILORS IN CERTAIN OFFICES
(3/3/3; 3/3/5; 3/3/1)****REMARK:**

When this matter was considered, Cllr R S Baloyi proposed, duly seconded by Cllr N F Chililo, that the Mayor, Cllr N S Munyai, the Speaker, Cllr M D Mboyi, the Chief Whip, Cllr R S Baloyi, Cllr G T Mukwevho (Technical Services), Cllr M R Magada (Finance), Cllr N J Matumba (Corporate Services), Cllr N Munyai (Development Planning) and Cllr N V Malivha (Chairperson of Municipal Public Account Committee (MPAC)) be appointed in full-time capacity with effect of 23 November 2021. The proposal was accepted in general and recorded as Council's Resolution herein below.

RESOLVED A.131.23.11.21 (COUNCIL)

THAT the designation of full-time councillors in terms of the provisions of section 18(4) of the Local Government: Municipal Structures Act, 117 of 1998, as amended, read with the contents of Provincial Notice No. 133 of 2021 published in Provincial Gazette No. 3208 dated 22 October 2021, be approved, as follows:

1. Speaker: Cllr M D Mboyi
2. Mayor: Cllr N S Munyai
3. Chief Whip: Cllr R S Baloyi
- Executive Committee Members:
4. Cllr G T Mukwevho (Technical Services)
5. Cllr M R Magada (Finance and Budget)
6. Cllr N J Matumba (Corporate Services)
7. Cllr N Munyai (Development Planning)
8. MPAC Chairperson: Cllr N V Malivha.

(DCS)

SC1NovFulltime_itm

ITEM A.132.23.11.21

**ELECTIONS: COUNCILLORS TO REPRESENT LOCAL COUNCIL IN THE VHEMBE DISTRICT COUNCIL
(12/3/3/46)**

REMARK:

1. The MEO of Makhado Municipality, Mr H P Mobbie assisted by the Office of the IEC, Makhado presided over the elections of eleven (11) councillors to represent Makhado Municipality at Vhembe District Municipality, which elections were dictated by the provisions of Sections 15 to 22 of Schedule 2 of the Local Government: Municipal Structures Act, 117 of 1998 read with Municipal Structures Amendment Act No. 3 of 2021. Parties' representatives were given nomination forms with relevant guidelines, so that party members be given the opportunity to elect councillors to represent Makhado Municipality.
2. The MEO declared the following councillors as duly elected to represent Makhado Local Municipality in the Vhembe District Municipality:

PARTY NAME	SEQ	CANDIDATES NAMES	ID NUMBER
AFRICAN NATIONAL CONGRESS	34	Mukosi Mpho	8901305971088
AFRICAN NATIONAL CONGRESS	38	Mukhuba Rudzani	8609085487080
AFRICAN NATIONAL CONGRESS	9	Mathalise Lufuno Margaret	6003021072085
AFRICAN NATIONAL CONGRESS	22	Tshidavhu Itani Albertina	7502021902083
AFRICAN NATIONAL CONGRESS	16	Simangwe Ntsako Joyce	6811120951086
AFRICAN NATIONAL CONGRESS	24	Makwala Muhali Richard	6404047316086
AFRICAN NATIONAL CONGRESS	23	Mulaudzi Masia Enos	7712055688082
AFRICAN NATIONAL CONGRESS	2	Mudunungu Nkhumeleni Anderson	6906215766082
AFRICAN NATIONAL CONGRESS	25	Mabudu Hulisani Gershwin	8604041007080
DEMOCRATIC ALLIANCE	4	Mpashe Masilo Johannes	8401215799083
ECONOMIC FREEDOM FIGHTERS	4	Selapyana Maano Abraham	6602085808084

RESOLVED A.132.23.11.21 (COUNCIL)

1. THAT it be noted that the MEO for Makhado Region, Mr H P Mobbie presided over the election of eleven (11) councillors that will represent Makhado Local Municipality in the Vhembe District Municipality, in terms of the provisions of Sections 15 to 22 of Schedule 2 of the Local Government: Municipal Structures Act, 117 of 1998 read with Municipal Structures Amendment Act No. 3 of 2021 upon which the Councillors recorded in paragraph 2 below were elected unopposed.

(DCS)

2. THAT Vhembe District Municipality be notified that the following Councillors were duly elected to represent Makhado Local Municipality in the Vhembe District Municipality:-

- 2.1 Cllr M Mukosi
- 2.2 Cllr R Mukhuba
- 2.3 Cllr L M Mathalise
- 2.4 Cllr I A Tshidavhu
- 2.5 Cllr N J Simangwe
- 2.6 Cllr M R Makwala
- 2.7 Cllr M E Mulaudzi
- 2.8 Cllr N A Mudunungu
- 2.9 Cllr H G Mabudu
- 2.10 Cllr M J Mpashe
- 2.11 Cllr M A Selapyana

(DCS)

SC1NovVhembe_itm

ITEM A.133.23.11.21

**COUNCIL COMMITTEES: APPOINTMENT OF MEMBERS OF SECTION 79 AND SECTION 80 COMMITTEES
(4/1/B)**

REMARK:

When this matter was considered, Cllr R S Baloyi proposed, duly seconded by Cllr R Raliphada, that the matter be deferred to the next Council meeting. The proposal was accepted in general and recorded as Council's Resolution below.

RESOLVED A.133.23.11.21 (COUNCIL)

THAT the appointment of Councillors in Council's Section 79 and Section 80 Committees as provided for in the Local Government: Municipal Structures Act, 1998 as amended, be deferred to the first following Council meeting.

(DCS)

SCNovSect79-80Comts_itm

ITEM A.134.23.11.21

ORGANISATIONS & ASSOCIATIONS: MUNICIPAL REPRESENTATIVES:

1. SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA)
2. PROVINCIAL AND DISTRICT INTER-GOVERNMENTAL RELATIONS STRUCTURE

(12/2/1/54; 12/2/2/54)

RESOLVED A.134.23.11.21 (COUNCIL)

1. THAT Council appoints the Mayor to lead the Municipal delegation to SALGA comprising of the respective Portfolio Councillors (Executive Committee members) to represent Council in SALGA Working Groups that corresponds to their responsibilities as Portfolio Councillors, as follows:

- 1.1 Technical Services – Cllr G T Mukwevho
- 1.2 Corporate Services – Cllr N J Matumba
- 1.3 Finance and Budget – Cllr M R Magada
- 1.4 Development Planning – Cllr N Munyai

1.5 Community Services – Cllr R Raliphada (DCS)

2. THAT the Mayor and the Municipal Manager lead the Municipal delegation in the District and Provincial Intergovernmental Relations Structures. (DCS)

SC1NovRepresentSALGA&PDIGR_itm

ITEM A.135.23.11.21

ELECTIONS: CODE OF CONDUCT FOR COUNCILORS, SCHEDULE 7 OF MUNICIPAL STRUCTURES AMENDMENT ACT, NO. 3 OF 2021 (3/4/3)

RESOLVED A.135.23.11.21 (COUNCIL)

THAT all Councilors take note of and abide with the contents of the Code of Conduct for Councilors promulgated in terms of the provisions of the Local Government: Municipal Structures Amendment Act, No. 3 of 2021 as Schedule 7, a full copy of which is attached as Annexure A to the report in this regard. (DCS)

SC1NovCode

ITEM A.136.23.11.21

FINANCES: UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF MUNICIPAL OFFICE BEARERS: 2021/22 TO 2026/2027 FINANCIAL YEAR (6/11/1/3 & 6/11/1/4)

REMARK:

When this matter was considered, Cllr N F Chililo proposed that the Accounting Officer must arrange service providers of cellphones to deliver a presentation to all Councillors on Friday, 26 November 2021 about their services. The proposal was accepted in general and recorded as Council resolution below.

RESOLVED A.136.23.11.21 (COUNCIL)

1. THAT it be noted that councilors that were elected on 1 November 2021 will for the 2021/2022 financial year be remunerated in accordance with the Upper Limits of Salaries, Allowances and Benefits of Municipal Office Bearers promulgated under the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998), by Department of Co-Operative Governance and Traditional Affairs in Notice No. 475 of 24 April 2020 and published in Government Gazette No 43246 of 24 April 2020, read with Government Notice no 1465 of November 2021 promulgated in Government Gazette No 454205 of 2 November 2021, copy of which is attached to the report in this regard. (DCS/CFO)
2. THAT the remuneration of the declared elected councillors will be paid in accordance with Circular no. 17 of 2021 received from Department Corporate Governance dated 29 October 2021. (DCS/CFO)
3. THAT the Accounting Officer arrange with cellphone service providers to deliver a presentation of their services to all Councillors on Friday, 26 November 2021. (CFO)

SC1NovUpper_itm

ITEM A.137.23.11.21**FINANCES: (1) APPROVED IDP 2021/2022
(2) APPROVED CAPITAL AND OPERATIONAL ESTIMATES 2021/2022
TO 2023/2024****(6/1/1 (2021/2022); 15/7/1)****RESOLVED A.137.23.11.21 (COUNCIL)**

1. THAT note be taken that the Capital and Operational Estimates for the 2021/2022 to 2023/2024 financial years was approved by Council Resolution A.52.31.05.21, while the Integrated Development Plan for 2021/2022 cycle was approved by Council Resolution A.52.31.05.21.

(CFO)

2. THAT it be noted that the Director Corporate Services delivered the voluminous Budget and IDP documents that relate to the Council Resolutions recorded in paragraph 1 above to newly elected councillors under separate cover on 20 November 2021.

(DCS)

SC1NovBudIdp_itm

ITEM A.138.23.11.21**ORGANIZATION & EMBLEMS: DELEGATION OF POWERS – COUNCIL, EXECUTIVE COMMITTEE, OFFICE BEARERS, MUNICIPAL MANAGER AND HEADS OF DEPARTMENTS****(2/1/3/2/1; 2/1/3/2/2)****RESOLVED A.138.23.11.21 (COUNCIL)**

1. THAT Council takes note of the system of delegated power as summarized in Council Resolution A.61.15.08.07.

(DCS)

2. THAT Council in the interest of service delivery abides by Resolution A.61.15.08.07 which is a summary account of delegated powers, until such time as it may require a review of the delegated powers, with the following amendment-

2.1 Land use rights by operation of law, the Spatial Planning Land Use Management Act, Act No. 16 of 2013 read with the related Municipal By-laws and Policies, now vests with the Municipal Tribunal whom Council appointed for this purpose as required by legislation.

2.2 The provisions of the Municipal Structures Amendment Act, Act no. 3 of 2021 be endorsed about powers assigned to various Municipal Office Bearers, effective 1 November 2021.

SC1NovDelegatedPowers

(DCS)

ITEM A.139.23.11.21**COUNCIL COMMITTEES: ESTABLISHMENT OF WARD COMMITTEES UNDER SECTION 73 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 AS AMENDED
(4/1/B)****RESOLVED A.139.23.11.21 (COUNCIL)**

THAT Ward Committees be established in all 38 wards of the Municipality and elections of ward committee members be concluded within 120 days calculated from 10 November 2021, i.e. **9 March 2022**, in terms of the provisions of Section 73 of the Local Government: Municipal Structures Act, 1998 as amended. (DCS)

SCNovEstablishmentWardCommittees_itm

ITEM A.140.23.11.21**ORGANIZATIONS & ASSOCIATIONS: SALGA (LIMPOPO) PRESENTS COUNCILLOR INDUCTION PROGRAM
(12/2/54/1; 5/4/2)****RESOLVED A.140.23.11.21 (COUNCIL)**

THAT Councillors take note of the SALGA Integrated Councillor Induction Program, initiated by SALGA whereby Councillors will be equipped with a broad understanding of their roles and responsibilities, legislative framework, leadership roles, key municipal processes, policies and procedures, the express mandate of a developmental local government and the overall South African Local Government System, on NQF Level 3 & 5 certificate of competence upon successful completion.

SC1NovCIP_itm

(DCS)

ITEM A.141.23.11.21**COUNCIL AND EXECUTIVE COMMITTEE MEETINGS: JANUARY 2022 TO DECEMBER 2023
(4/2/1 & 4/3/1)****RESOLVED A.141.23.11.21 (COUNCIL)**

1. THAT Council takes note of the schedule of dates on which various Council and its Committees' meetings will be held in 2022 and 2023. (DCS)
2. THAT Councillors further take note that failure to attend Council and its Committees' meetings is a misconduct in terms of the Rules of Order, 2016 of Council. (DCS)

SC1NovMeetingDates

ITEM A.142.23.11.21**ELECTIONS: DECLARATION OF INTEREST: MUNICIPAL COUNCILORS ELECTED ON 1 NOVEMBER 2021
(3/4/1; 3/4/2)****RESOLVED A.142.23.11.21 (COUNCIL)**

1. THAT all Councillors as elected on 1 November 2021 pay attention to the contents of and forthwith continuously maintain good conduct according to Clause 8 of the Code of Conduct for Councilors promulgated in Schedule 7 in terms of the provisions of the Local Government: Municipal Structures Act, 17 of 1998, as amended. (DCS)

2. THAT Councillors complete and sign the Declaration of Interest form attached to the report in this regard and hand it to the Municipal Manager by no later than 31 December 2021.

SC1NovDeclaration_itm

(DCS)

* * * * *

The meeting was closed and adjourned at 19:46.

Approved and confirmed in terms of the provisions of Clause 22.1 of the Rules of Orders, 2016 promulgated in Provincial Gazette Notice No. 2736 of 29 July 2016 under Local Authority Notice 125, by a resolution of the Council passed at the meeting held on 26 January 2022.

CHAIRPERSON