

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SUPPORT AND SHARED SERVICES

MINUTES OF THE SEVENTY SEVENTH (77TH) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 31 MAY 2012 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

PRESENT

Councillors

BALIBALI, N P
BALOYI, S R
DAVHANA, N D
DU PLOOY, A
GABARA, M J
HLABIOA, M M
HLONGWANE, B F
JOOMA, Z
KENNEALY, A
KUTAMA, N
LUDERE, E H
LUDUVHUNGU, V S
MACHETHE, M S
MADAVHU, F F
MADZHIVHANDILA, M R
MAGADA, M R
MAHANI, M G
MAHLADISA, S V
MAKHUBELE, R T
MAKHUVHA, V S
MALANGE, T M
MALIMA, M E
MAMAFHA, T J
MAMATSIARI, M S
MAMOROBELA, T P
MAPHAHLA, A Z
MAPHALA, O S
MASHIMBYE, P F
MASUKA, S
MATHALISE, L M
MATHAVHA, H F
MATHOMA, M P
MATODZI, A M

MATUMBA, M T
MATUMBA, N J
MAZIBUKO, M P
MBOYI, M D
MMBADI, T A
MOGALE, L B
MUKHAHA, A J
MUKHARI, M F
MULOVHEZI, M D
MUNYAI, N S
MUTAVHATSINDI, F D
MUTELE, T M
NDWAMMBI, M T
NDZOVELA, N G
NELUVHOLA, A T
NEMAFHOHONI, M G
NETSHIVHULANA, T P
NGOBENI, N E
NKANYANE, R G
RASIMPHI, M P
RATSHIKUNI, D T
RATSHIVHOMBELA, M
REKHOTSO, S M
RIKHOTSO, F J
SAKHWARI, I
SELEPE, M R
SHANDUKANI, M J
SINYOSI, S M
THANDAVHATHU, R
TSHAVHUYO, T G
TSHILAMBYANA, M S
UNDERWOOD, J P

Traditional Leaders

None

Officials

E L MUGARI	(ACTING MUNICIPAL MANAGER & DIRECTOR COMMUNITY SERVICES)
N C KHARIDZHA	(ACTING DIRECTOR CORPORATE SUPPORT & SHARED SERVICES)
P G MATPHETO	(ACTING CHIEF FINANCIAL OFFICER)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT & PLANNING)
T E RALULIMI	(DIRECTOR TECHNICAL SERVICES)
E MATHEPE	(MANAGER INTERNAL AUDIT)

M D MUNYAI
T E SHIRINGANI

(ADMINISTRATIVE OFFICER: COMMITTEES)
(ADMINISTRATIVE OFFICER: COMMITTEES)

1. OPENING

The Acting Speaker, Cllr T P Mamorobela ruled that a minute of silence be observed for meditation and prayer and in remembrance of the late Comrade George Phadagi, whereafter she declared the meeting officially opened.

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 31 May 2012 to Cllrs N F Chililo, T C Mamafha, R Malange, K A Hlungwane, M M Lerule, S D Ramudzuli and S Z Mthombeni.

REMARK:

The following Councillors and Traditional Leaders were not present at the meeting: M O Ahmed, R Ludere and F N Madzhiga as well as Khosi Mashamba N T L, Khosi Nesengani T P, Hosi Bungeni M S, Hosi Mukhari S T, Khosi Mulima S A, Hosi Baloyi J, Khosi Masakona M C, Khosi Ramabulana V C, Hosi Majosi H M, Khosi Mashau T R V and Khosi Netsianda M W.

3. OFFICIAL ANNOUNCEMENTS

- 3.1 The Acting Speaker, Cllr T P Mamorobela announced that "World No-Tobacco Day" today, 31 May 2012 was recognised. She reminded all that abstaining from tobacco smoking is a responsible decision in order to manage and promote healthy living. The Municipality celebrated the day on 29 May 2012 at the Show Ground.
- 3.2 The Acting Speaker, Cllr T P Mamorobela announced that the MEC of COGHSTA would visit Makhado Local Municipality on Tuesday, 5 June 2012 for discussions about Operation Clean Audit.

4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE ACTING SPEAKER

The Acting Speaker, Cllr T P Mamorobela proposed congratulations to the Mayor of Makhado Municipality, Cllr F D Mutavhatsindi for being elected as ANC Deputy Secretary of the Region.

5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS

None

6. MATTERS CONSIDERED:

6.1 Resolutions of the Council in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 77th Special Council Meeting: 31 May 2012

ITEM A.57.31.05.12

PERSONNEL: EMPLOYEES ACTING FOR A PERIOD EXCEEDING FOUR (4) MONTHS (5/5/3/11)

REMARK:

Cllr S Masuka proposed, duly seconded by Cllr M G Mahani that all personnel who were in acting capacity be treated in line with what Council was resolving then. The proposal was accepted in general and recorded as paragraph 4 herein below as Council Resolution.

RESOLVED A.57.31.05.12 -

1. THAT Council ratify the acting capacities of the personnel as clearly set out in List A and B indicated hereunder:

- **List A: Personnel acting continuously while receiving acting appointment letters on a monthly basis:**

EMPLOYEE NAME	ACTING POSITION	DATE COMMENCED	DEPARTMENT
1. Zitha J	Chief Traffic Officer	01 November 2008	Community Services
2. Zitha V.B.	Chief Traffic Officer	01 January 2010	Community Services
3. Munyai J	Superintendent Traffic	01 November 2008	Community Services
4. Mukwevho A.	Superintendent Traffic	01 February 2011	Community Services
5. Kutama L	Superintendent Traffic	01 November 2011	Community Services
6. Ndhlovu H.I	Senior Licensing Officer	01 August 2008	Community Services
7. Tshinavhe T.W.	Examiner Drivers Licence	01 November 2011	Community Services

- **List B: Personnel who have been appointed to act until further notice or until such vacancies which they are acting in are filled:**

EMPLOYEE NAME	ACTING POSITION	DATE COMMENCED	DEPARTMENT
8. Nthushi M.J.	Senior Store Buyer	01 October 2008	Budget and Treasury
9. Malema M.A.	Data Capturer	02 May 2007	Budget and Treasury
10. Matumba F.C.	Sub-Accountant Costing	01 July 2011	Budget and Treasury
11. Magadagela L.M	Refuse Removal Tractor Driver	10 April 2010	Technical Services
12. Baloyi S.S.	Regional Administrator :	25 October 2005	Office of the Municipal

EMPLOYEE NAME	ACTING POSITION	DATE COMMENCED	DEPARTMENT
	Waterval		Manager
13. Maripana L	Caretaker Halls and Offices	01 January 2008	Corporate Support and Shared Services

- (DCSS)
2. THAT all posts where persons are in acting capacity be advertised internally and normal recruitment processes be implemented without delay. (DCSS)
 3. THAT recruitment process needs to be done before the end of June 2012. (DCSS)
 4. THAT all personnel who were in acting capacity be treated in line with paragraph 2 of this Council Resolution. (DCSS)

Acting_itm

ITEM A.58.31.05.12

PERSONNEL: PLACEMENT OF PERSONNEL: ORGANOGRAM ADOPTED APRIL 2011 (5/1/2/1-10)

RESOLVED A.58.31.05.12 –

1. THAT the horizontal placement of 36 officials on the Organogram 2011/2012 as set out in Annexure B to this report, be approved. (DCSS)
2. THAT the 103 budgeted posts initially earmarked for vertical placement as set out in Annexure B to this report, be advertised internally and normal recruitment processes be implemented immediately. (DCSS)
3. THAT the 68 reviewed (upgraded) posts as set out in Annexure B to this report, be subjected to a job evaluation process as soon as the awaited Job Evaluation Policy Guidelines is received from SALGA and is adopted by Council. (DCSS)
4. THAT it be noted that the Municipality's salary bill is currently at 34% of its Budget which is the permitted threshold, and that if the employees are placed vertically the salary bill will be more than 35% of budget which is not acceptable in terms of the Municipal Finance Management Act and Regulations. (DCSS)
5. THAT Management must review and re-prioritise posts that have been advertised in 2011 and make sure that filling it would not exceed the 34% salary bill threshold allowed in terms of the Municipal Finance Management Act. (DCSS)
6. THAT all posts that are critical must be advertised and filled as a matter of urgency. (DCSS)

7. THAT the Office of the Acting Municipal Manager must investigate the capacity of the Department of Corporate Support and Shared Services. (AMM)

PlacementOfStaff_itm

(REMARK: Items A.59.26.07.12 to A.61.26.07.12 will be submitted to Council during July 2012)

ITEM A.62.31.05.12

FINANCES: REPORT IN TERMS OF SECTION 32 OF LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003: 2010/2011 FINANCIAL YEAR (6/1/1(10/11); 6/13/1/1/1)

RESOLVED A.62.31.05.12 –

1. THAT Council in terms of the provisions of section 32(2) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)
 - 1.1 Condone the fruitless wasteful expenditure of R163 032,92 for 2011/12 financial year and write off the expenditure as irrecoverable..
 - 1.2 Condone the irregular expenditure of R24,702,467.00 for 2011/2012 financial year and write off the expenditures as irrecoverable. (CFO)
2. THAT note be taken that this Department has put controls in place to avoid a recurrence of the scenario that caused the unauthorized, fruitless and wasteful, and irregular expenditure in the 2010/11 and 2011/2012 financial years. (CFO)
3. THAT the practice to spend conditional grants for other purposes than it was received for, be discontinued. (CFO)
4. THAT it be noted that in the case of irregular expenditure (deviations) and the wasteful expenditure of R930 235,00 for 2010/11 financial year, a thorough investigation must be conducted by the Municipal Public Accounts Committee (MPAC) before condonation by Council. (CFO)
5. THAT it be noted that some of the expenditures relates to the following:

The following is the breakdown of the deviation incurred:

Supplier Name	Reason	Amount(R)
Bubha Game Lodge	Conference package and accommodation for councilors induction programme.	322,467.60
Ratac CC	Xmas lights in town.	498,789.92
		821,257.00

Other deviations

Supplier Name	Amount(R)
Silverton Rubberizing	2,280
UT Bolt and Nuts	240

Rainbow Spares	405
Cassims Spares	2,351
Van Wyk Engineering	525
T4 Propshaft	1,336
T4 Propshaft	1,767
Summit Tow in	2,280
BAA Services	1,239
Van Wyk Engineering	750
LTT Brake and Clutch	4,383
Van Wyk Engineering	500
Jomerica	240
Manduna Panelbeater	4,090
P.A Auto Center	1,250
Total	R23, 635.00

FruitlessExpenditure_itm

(CFO)

ITEM A.63.31.05.12

**DOMESTIC MATERIALS: DEVIATION: APPOINTMENT OF SERVICE PROVIDER
(8/3/2/1)**

RESOLVED A.63.31.05.12 -

1. THAT it be noted that the Accounting Officer appointed PWC Combined Systems as service provider to on urgent basis complete the Asset Register in accord with GRAP standards and that Council condones the deviation from the Procurement process in terms of the provisions of section 36(2) of Makhado Municipality Supply Chain Management Policy . (CFO)
2. THAT Council take note that full details of the deviation will be recorded in a note of the annual financial statements as at 30 June 2012 as required by section 36(2) of Makhado Municipality Supply Chain Management Policy. (CFO)
3. THAT it be noted that the Municipal Manager designated in writing an internal Business Relations Manager who will monitor and be overall responsible for evaluating the services of the service provider in accordance with the Agreement referred to in paragraph 1 above.

Deviation_itm

(CFO)

ITEM A.64.31.05.12

**FINANCES: REQUEST FOR THE APPROVAL OF THE WRITE-OFF OF INACTIVE
SUSPENSE ACCOUNTS
(6/15/3)**

RESOLVED A.64.31.05.12 –

1. THAT Council approves the write off the following accounts that were reported by the Auditor General as inactive and without proper supporting documentations.

Dept	Item	Item Name	AL Debit	AL Credit
900	420000	MOTORLOAN : SCHOEMAN L N	2,172.38	-
900	420038	RENT/SALES INDIERS : GHELANI V	-	(1,720.32)
900	420039	RENT/SALES INDIERS : GHELANI N	-	(1,564.80)
930	421000	DIVERSE LOANS	-	(396,015.25)
931	701400	SALE OF STANDS EXT 2	-	(1,877.68)
931	701402	SALE OF STANDS EXT 5	-	(25,115.66)
931	701404	SALE OF STANDS EXT 6	-	(3,556.52)
931	701405	SALE OF STANDS EXT 8	-	(234,416.45)
931	701406	SALE OF STANDS EXT 9	-	(209,067.62)
931	701407	ELTIVILLAS (UITB 10)	-	(73,810.89)
931	701410	ELTIVILLAS UITB 1 (UIT.13)	-	(19,079.32)
931	701411	TSHIKOTA	-	(26,099.95)
931	701413	SALE OF ERVEN ELTIVILLAS (X 10	-	(10,972.61)
931	701414	SALE OF ERVEN - VUWANI	-	(173.28)
931	701416	SALE OF ERVEN - WATERVAL	-	(4,115.10)
931	701470	SALE OF STANDS EXT 9	-	(16,739.08)
932	421102	STANDS EXTENTION 5	-	(282,930.82)
932	421104	STANDS EXTENTION 6	-	(48,353.49)
932	421105	SALE OF ERVEN - EXT 8	-	(44,193.11)
932	421106	STANDS EXTENTION 9	-	(2,870.50)
932	421108	STANDVERKOPE - UITBR 2	-	(84,319.02)
932	421109	STANDS ELTIVILLAS EXTENTION 1	-	(18,443.54)
932	421111	STANDS – TSHIKOTA	-	(19,906.91)
932	421112	STANDS EXT 10 ELTIVILLAS	-	(153,572.53)
940	423001	ACCUMULATED INTEREST	-	(605.20)
940	423003	AYOB J H : STAND 2030	-	(352.42)
940	423005	GHELANI B M : STAND 2387	-	(238.30)
942	424017	SUSPENSIE : BANKED WITHOUT REC	167,328.82	-
948	707003	HOUSE RENT - VLEYFONTEIN	-	(27,184.30)
948	707007	VEHICLE FEES COLLECTIONS	-	(7,248,508.81)
948	707037	SUNDRY DEBTORS	-	(552,274.46)
948	707043	CONSUMERS CONTRA ITEMS	-	(402,905.70)
948	707044	CAP REDEMP HOUSE SALES TOT 093	-	(726,706.94)
948	707051	SUNDRY DEBT REIMBURSEMENT	-	(5,144.72)
948	707052	CONSUMERS PAY-BACK	-	(5,527.65)
980	724000	SUNDRY LOANS	-	(604,102.92)
982	432000	STANDS EXTENTION 2	-	(124,067.95)
982	432003	STANDS EXTENTION 7	27,965.88	-
982	432004	SUNDRY DEBTORS TDF EXT 6	-	(55,901.84)
982	432005	SALE OF ERVEN - EXT 8	-	(554,909.32)
982	432006	STANDS EXTENTION 9	-	(244,918.24)
982	432009	STANDS ELTIVILLAS EXTENTION 1	472,645.14	-
982	432010	STANDS – TSHIKOTA	-	(414,719.90)
982	432011	MARTIN PS STAND 1653	-	(28,327.65)
982	432012	OOSTHUIZEN PI STAND 1658	-	(426.02)

Dept	Item	Item Name	AL Debit	AL Credit
982	432013	JJ VAN DER BERGH STAND 2089	229.65	-
982	432015	VAN DER LINDE AF STAND 1938	-	(206.66)
982	432016	STAND: PMT: SMIT C W STAND 275	-	(198.29)
982	432017	A MOHAMED (D702945)	-	(127,716.71)
986	433004	B MAWJEE STAND 2479	17,839.59	-
986	433005	KLUSMAN A STAND 472	-	(176.93)
986	433006	VAN NIEKERK AJC STAND 806	-	(204.44)
986	433007	PIRZL J STAND 812	-	(283.02)
986	433008	DUVENHAGE JCN STAND 942	-	(475.44)
988	434004	THERON TE STAND 658	5,696.69	-
990	435005	VB GHELANI STAND 2346	2,441.76	-
990	435006	BM GHELANI STAND 2387	3,151.98	-
992	436009	BURSARY LOANS DEBTORS	-	(91,330.00)
			699,471.89	(12,896,328.28)

(CFO)

2. THAT note be taken that all the other suspense accounts on the municipal financial system are active and consistently reconciled. (CFO)

3. THAT the details of the accounts written off be kept for future reference and audit purposes.

WriteOffInactiveSuspenseAcc_itm

(CFO)

ITEM A.65.31.05.12

FINANCES: PROPOSED LONG TERM LOAN: DEVELOPMENT BANK OF SOUTH AFRICA: INCREASE IN BULK CAPACITY OF ELECTRICITY (6/4/2/3; 16/2/2)

RESOLVED A.65.31.05.12 -

1. THAT Council in terms of section 18 of the Local Government: Municipal Finance Management Act, 2003 approve in principle that money be borrowed from the DBSA in the amount of R100 million in order to finance the up front payment of a new bulk intake point for electricity by installing and commissioning a three phase 15MVA 66 kV Eskom supply capacity at Ribolwa and other Substations supplying the Makhado Municipal area, due to the fact that no further large type development can be permitted without such bulk supply capacity enlargement. (CFO)
2. That the R100 million will be spread in three financial years subject to the business plan on implementation of the project as follows, R40 million in 2012/2013, R30 million in 2013/2014 and another R30 million in 2014/2015 financial years. (CFO)

3. THAT subject to the approval of paragraph 1 above, the Accounting Officer implements the provisions of section 46 of the Municipal Finance Management Act, 2003 read with section 21A of the Local Government: Municipal Systems Act, 2000 in order to comply with the requirements about long term debt. (CFO)
4. THAT a further report be submitted to Council for final approval after section 46 referred to in paragraph 2 above has been duly implemented. (CFO)
5. THAT the balance from R100 million loan will be used to finance any other electrical related projects which will improve revenue collection. (CFO)
6. THAT the previous loan application which was submitted to DBSA must be withdrawn. (CFO)

Long term loan DBSA

ITEM A.66.31.05.12

AUDIT AND PERFORMANCE AUDIT COMMITTEE: REPORT TO COUNCIL (4/26/1/1)

RESOLVED A.66.31.05.12 -

THAT the report from the Audit and Performance Audit Committee report for the period up to 22 May 2012 be noted. (MM)

ReportAuditCommitteeMay2012_itm

ITEM A.67.31.05.12

FINANCES: FINAL CAPITAL AND OPERATIONAL ESTIMATES 2012/2013 TO 2014/2015 FINANCIAL YEAR (6/1/1 (2012/2013))

RESOLVED A.67.31.05.12 –

1. THAT the final Capital and Operational Estimates for the 2012/2013 financial year as more fully recorded in Annexure A and Annexure B, as well as the tariff increases attached as Annexure C to the report in this regard be approved and that the Accounting Officer proceeds with the publication of the final Annual Budget as purposed in section 22 of the Local Government: Municipal Finance Management Act, No 56 of 2003, and the Regulations promulgated in terms thereof. (CFO)
2. THAT the following 2012/2013 budget related policies be approved as more fully set out in Annexure 2 to Annexure 14 attached to the report in this regard-

Policies

2.1 Budget Policy – 2012/2013

2.2 Credit Control and Debt Collection (*this will be promulgated as a By-law of Municipality during the 2012/2013 financial year*).

- 2.3 Subsidy Scheme on Indigents Policy
- 2.4 Investment of Funds and Principles Policy
- 2.5 Asset Management Policy
- 2.6 Tariff and Free Basic Services Policy
- 2.7 Principles on the Writing -off of Irrecoverable Debt Policy
- 2.8 Budget Virement Policy
- 2.9 Supply Chain Management Policy
- 2.10 Borrowing Policy
- 2.11 Funding and reserves policy
- 2.12 Expenditure Management Policy
- 2.13 Revenue Management Policy,

and that note be taken of the contents of the **Property Rates By-laws, 2008** (Annexure 15) is the valid in use promulgated provisions related to municipal property rates. (CFO)

3. THAT as a mechanism to limit operational expenditure, the priorities for procurement of all office furniture and all office equipment in the 2012/2013 financial year be determined as follows based on fully written motivation of Heads of Department.

3.1 The I C T Steering Committee under leadership of the Accounting Officer will consider all requests for office equipment; for this purpose criteria and policy that would assist in prioritizing must be approved; the decision of the Steering Committee will be final.

3.2 The Top Management under leadership of the Accounting Officer will consider all requests for office furniture; for this purpose criteria and policy that would assist in prioritizing must be approved; the decision of Top Management will be final.

(MM)

4. THAT note be taken of the Revenue Enhancement Strategies and Mechanisms implemented since October 2011 under direct leadership of the Accounting Officer, as more fully recorded in Annexure 1 attached to the report in this regard. (MM)

5. THAT it be noted that the 2012/2013 Estimates will after approval by the Council in terms of section 22 of the Municipal Finance Management Act, be submitted to National Treasury and the Provincial Treasury. (CFO)

Cover report FINAL Budget 2012-2013

ITEM A.68.31.05.12

2012/13-2016/17 INTEGRATED DEVELOPMENT PLAN (15/7/1)

REMARK:

Cllr F J Rikhotso proposed, duly seconded by Cllr R T Makhubele that the water service provision of Chavani Village be inserted in the IDP priority list for water service provision. The proposal was adopted in general and recorded as paragraph 4 herein below as Council Resolution.

RESOLVED A.68.31.05.12

1. THAT the Council adopts the 2012/13-2016/17 Integrated Development Plan. (DDP)

2. THAT the LED projects that have been funded by Sector Departments or parastatals must not benefit in the 2012/13 financial year from the Municipal Budget. (DDP)
3. THAT the priority list for the electrification of villages without electricity be amended in respect of Tshikota by inserting Sendedza/Manngo in the Tshikota allocation. (DDP)
4. THAT water services provision of Chavani Village be inserted in the IDP priority list for water service provision. (DDP)

FinalIDP12-13

ITEM A.69.31.05.12

PERSONNEL: EXTENDING PERIOD OF ACTING CHIEF FINANCIAL OFFICER: JUNE TO AUGUST 2012 (5/3/4/3/30; 5/6/4)

RESOLVED A.69.31.05.12 –

1. THAT it be noted that recruitment process to appoint a suitable candidate in the vacant post of Chief Financial Officer did not deliver sufficient number of applicants that comply with the competency requirements of the post, that the vacant post will be re-advertised and therefore an extension of the period for which an acting person will officiate in the post with another final three months must be approved. (DCSS)
2. THAT subject to approval by the MEC for Local Government, Council approves thereof that Mr P G Mapheto acts as Chief Financial Officer for a further final three (3) months from 1 June 2012 to 31 August 2012 in order to enable the administration to conclude on the recruitment and appointment process of a suitable candidate as Chief Financial Officer. (DCSS/CFO)
3. THAT an appeal be lodged with the MEC for Local Government for approval of the acting arrangements as recorded in paragraph 2 above. (DCSS)
4. THAT it be noted that as soon as the process of recruitment has been finalised a suitable candidate must be appointed in the Office of Chief Financial Officer even if it is less than three (3) months. (DCSS)

Acting CFO Extend

ITEM A.70.31.05.12

PERSONNEL: PROPOSED REVIEW OF THE ORGANISATIONAL STRUCTURE-2012-2013 FINANCIAL YEAR (5/1/2/1-10)

REMARK:

This item was referred as item B.16.28.05.12.

ITEM A.71.31.05.12

LEGAL ACTIONS: CONSENT TO DEFEND: HIGH COURT OF SOUTH AFRICA: MAKHADO AMENDMENT SCHEME 01 (ERF 4298, LOUIS TRICHARDT TOWNSHIP) (13/1/3/2/1; E4289)

REMARK:

This item was referred as item B.17.28.05.12.

ITEM A.72.31.05.12

ELECTIONS: PAYMENT OF ACTING ALLOWANCE: ACTING SPEAKER (3/3/3)

REMARK:

Cllr S Masuka proposed that Cllr Mamorobela is a PR councillor and therefore she is an appropriate councillor to be deployed as a Speaker since her deployment would not compromise service delivery in a ward, unlike a Ward councillor being deployed as a Speaker.

RESOLVED A.72.31.05.12 -

1. THAT Council approves that an acting allowance be paid to Cllr T P Mamorobela, the Acting Speaker with retrospective effect of 24 April 2012 for the duration of the period that she would act in that capacity, and that the Chief Financial Officer perform the calculations for such acting allowance in accordance with Government Notice 1064 dated 14 December 2011, Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils promulgated in Government Gazette 34869 of 14 December 2011. (CFO/DCOMS)
2. THAT that Cllr Mamorobela is a PR councillor and therefore she is an appropriate councillor to be deployed as a Speaker since her deployment would not compromise service delivery in a ward, unlike a Ward councillor being deployed as a Speaker. (DCOMS)

Act Allowance Speaker

ITEM A.73.31.05.12

LEGAL ACTIONS: CONSENT TO DEFEND: HIGH COURT OF SOUTH AFRICA: MAKHADO AMENDMENT SCHEME 01 (ERF 4298, LOUIS TRICHARDT TOWNSHIP) (13/1/3/2/1; E4289)

RESOLVED A.73.31.05.12 -

1. THAT Council condones the action by the Acting Municipal Manager who due to the nature of the case and the timelines of legal processes had to give instruction to Council's Attorneys to file a Notice to Oppose the application and to also file the Opposing Affidavit related to Case No. 449/201. (DCSS)
2. THAT Council's Attorneys of Record in Case No. 449/201 proceed to take all the necessary steps and complete and file all the required documents to act in the best interest of Municipality as Respondent in the Case, and that they be instructed accordingly. (DCSS)

3. THAT a report of the outcome in Case No. 449/201 together with all costs incurred be submitted to Council as soon as it is available. (DCSS)
4. THAT the total legal costs of the case referred to in paragraph 4 will not exceed R30 000,00. (DCSS)

ITEM A.74.31.05.12

**PERSONNEL: PROPOSED REVIEW OF THE ORGANIZATIONAL STRUCTURE: 2012-2013 FINANCIAL YEAR
(5/1/2/1-10)**

RESOLVED TO RECOMMEND A.74.31.05.12 -

1. THAT Council approves the organizational structure as Council's organizational structure for the 2012/2013 financial year attached as Annexure A to this report, subject to the following amendment:
 - 1.1 The Legal Division must revert to the Department of Corporate Support and Shared Services where it presently is. (DCSS)
2. THAT Council takes note that the scientific review of the organizational structure is still work in progress and that it must be ready for implementation in the 2013/2014 financial year. (DCSS)
3. THAT it be noted that SAMWU Trade Union rejects the approval of the organizational structure for the 2012/13 financial year because their input for 2011/2012 and 2012/2013 were not considered in the organizational structure. (DCSS)
4. THAT it be noted that the Executive Committee was strongly disappointed that management failed to complete the scientific organizational structure review as directed by Council Resolution. (DCSS)

ReviewOrganizationalStructure_itm

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6.2 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 May 2012

ITEM B.14.28.05.12

**COUNCIL LAND: PROPOSED SALE OF A PORTION OF PARK ERF 1982, DZANANI TOWNSHIP AND SIMULTANEOUS WITHDRAWAL OF THE SALE OF ERF 1990, DZANANI TOWNSHIP
(E1990, E1982, 7/3/2/1 & 7/4/1/4)**

REMARK:

This item reverted back to item A.59.29.07.12.

ITEM B.15.28.05.12

**COUNCIL LAND: PROPOSED LEASE OF MUNICIPAL LAND ABUTTING PORTION 1 OF ERF 1790, LOUIS TRICHARDT EXTENSION 2 TOWNSHIP
(E1790/1 & E1790/R)**

REMARK:

This item reverted back to item A.60.29.07.12.

ITEM B.16.28.05.12

**PERSONNEL: PROPOSED REVIEW OF THE ORGANISATIONAL STRUCTURE-2012-2013 FINANCIAL YEAR
(5/1/2/1-10)**

REMARK:

This item was referred from item A.70.31.05.12.

RESOLVED B.16.28.05.12 –

1. THAT the matter be referred back to be considered on Thursday, 31 May 2012 pending submission of the 2011/2012 organizational structure which must still be adopted by Council. (DCSS)
2. THAT it be noted that management and labour is still attending to the organisational structure crafted by GTZ and which will be adopted in the 2013/14 financial year. (DCSS)

ITEM B.17.28.05.12

**LEGAL ACTIONS: CONSENT TO DEFEND: HIGH COURT OF SOUTH AFRICA: MAKHADO AMENDMENT SCHEME 01 (ERF 4298, LOUIS TRICHARDT TOWNSHIP)
(13/1/3/2/1; E4289)**

REMARK:

This item was referred from item A.71.31.05.12.

RESOLVED B.17.28.05.12 -

THAT the item be referred back pending further information and submission to the Executive Committee on Thursday, 31 May 2012. (DCSS)

The meeting was closed and adjourned at 15:09.

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 26 July 2012.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_77