

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND SEVENTEENTH (117th) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 8 DECEMBER 2016 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

PRESENT

Councillors

BABADU, T M
BALIBALI, T
BUALALA, S I
CHILILO, N F
DAVHANA, N D
DZIVHANI, T E
FURUMELE, M G
GABARA, M J
HLONGWANE, F B
KUTAMA, N
KUTAMA, T
LUDUVHUNGU, V S
LUKHELI, J
MACHETE, M S
MADULA, S
MADUWA, E
MADUWA, L G
MADZHIGA, F N
MAFHALA, N A
MAGADA, M R
MAINGO, R T
MALANGE, T M
MALIMA, M E
MALIVHA, N V
MALULEKE, K M
MAMAFHA T C
MAMAFHA, T J
MAMOROBELA, T P
MAPHUBU, K
MARAGA, T A
MARINGA, P K
MASHAMBA, M A
MASUKA, S
MASUTHA, L G

MATHALISE, L M
MBOYI, M D
MOGALE, L B
MOHLABA, T J
MOKGOADI, M R
MPASHE, M J
MTHOMBENI, S Z
MUKHARI, M F
MUKWEVHO, G T
MUKWEVHO, T D
MULEFU, M E
MUNYAI, N
MUNYAI, N S
MUSANDIWA, P N
NDOU, M D
NDOU, M N
NEMATANDANI, M C
NEMUDZIVHADI, N S
NETHULWE, M F
NYELISANI, S S
PHOSHOKO, M G
RAMOVHA, K S
RAMUSHAVHA, G M
RAPHALALANI, A A
RATSHILANI, A A
SELAPYANA, M A
SIMANGWE, N J
SITHI, E T
TAMBANI, T E
TSHIAMBWA, L R
TSHIBVUMO, G
TSHIFURA, S S
TSHILAMBYANA, M S

Officials

M J KANWENDO	(ACTING MUNICIPAL MANAGER)
N C KHARIDZHA	(DIRECTOR CORPORATE SERVICES)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT PLANNING)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)
S W MATHONSI	(SARGENT OF ARMS)

Traditional Leaders

None

1. OPENING

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 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 21 of the Council's Rules of Orders, 2016 published under Provincial Gazette Notice no. 2736 dated 29 July 2016 in respect of the Special Council meeting held on 8 December 2016 to Cllrs A du Plooy, M Q Maphaha, A G Rashamuse and S M Sinyosi.

REMARK:

1. The following Councillors were not present at the meeting: Cllrs N B Jones, A Matumba and R Raliphada.
2. One vacant post existed due to Cllr J P Underwood who passed away on 4 November 2016.

3. OFFICIAL ANNOUNCEMENTS

- 3.1 The Speaker, Cllr L B Mogale announced that all councillors who were interested in undergoing computer literacy training must register their names at the Office of the Speaker before 15 December 2016.
- 3.2 The Speaker, Cllr L B Mogale announced that the IEC in a letter received on 7 December 2016 notified Council that Cllr T Seshoki was no longer a councillor. Mr P K Maringa was declared elected, effective 6 December 2016, to replace former Cllr Seshoki. A formal submission and swearing in of the new councillor will be done at the first following Council meeting.
- 3.3 The Speaker, Cllr L B Mogale announced that on Friday, 9 December 2016 an Induction Workshop for all Ward Committee members would be held at Makhado Show Ground at 09h00. All Ward Councillors were invited to attend.

4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER

None

5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS

- 5.1 Cllr T P Mamorobela proposed condolences to the Mayor, Cllr S M Sinyosi whose brother and his whole family, save one, were involved in a fatal car accident early on 4 December 2016.
- 5.2 Cllr G Tshibvumo proposed condolences to the bereaved family of the late Mr Lucky Rambau who was involved in a fatal car accident.
- 5.2 Cllr S Z Mthombeni proposed congratulations to the South African Communist Party (SACP) in Limpopo Province for successfully hosting a Memorial Lecture of the late former President of Cuba, Mr Fidel Castro, hosted on Tuesday, 1 December 2016 at the Jack Botes Hall, Polokwane, which inspired people about Socialism and Communism Ideology.

- 5.3 Cllr S Z Mthombeni further proposed congratulations to Makhado Municipality for successfully handing over Chabani – Bungeni quality tar road project.
- 5.4 Cllr S I Bulala proposed condolences to the bereaved family of the late gospel artist Sfiso Ncwane who died early on Monday, 5 December 2016.
- 5.5 Cllr V S Luduvhangu proposed congratulations to Vhonani Mulaudzi for arranging a successful marathon on 16 November 2016.
- 5.6 Cllr S M Masuka proposed congratulations to the Mayor, Cllr S M Sinyosi for the sterling job she did as the Mayor of Makhado Local Municipality in her first 100 days in Office.
- 5.7 Cllr G Mukwevho proposed congratulations to the Government of South Africa, led by President Jacob Zuma for hosting the President of Zambia, Mr Edgar Lungu, who visited South Africa to strengthen relationship with Zambia which emanated from the liberation struggle period.
- 5.8 Cllr T M Malange proposed congratulations to the newly elected President designate of United States of America, Mr Donald Trump for winning the Presidential Elections.

6. MATTERS 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): November & December 2016**
414th Executive Committee meeting held on 10 November 2016
415th Executive Committee meeting held on 8 November 2016
416th Executive Committee meeting held on 24 November 2016
417th Executive Committee meeting held on 5 December 2016
418th Executive Committee meeting held on 8 December 2016
- 6.2 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): December 2016**
- 2nd Section 79 Oversight Committee: Corporate Services meeting held on 5 December 2016**
1st Section 79 Oversight Committee: Special Programmes meeting held on 5 December 2016
1st Section 79 Oversight Committee: Community Services meeting held on 6 December 2016
1st Section 79 Oversight Committee: Development Planning meeting held on 6 December 2016
1st Section 79 Oversight Committee: Disaster, Moral Regeneration, Sports, Arts and Culture meeting held on 6 December 2016
1st Section 79 Oversight Committee: Finance meeting held on 6 December 2016
1st Section 79 Oversight Committee: Technical Services meeting held on 7 December 2016
3rd Section 79 Oversight Committee: Corporate Services meeting held on 8 December 2016

CONFIDENTIAL

ITEM CA.186.08.11.16 (originally CA.186.07.11.16)

REMARK

This matter was already considered at the 116th Special Council meeting held on 8 November 2016.

ITEM A.187.08.12.16**COUNCIL MEETINGS: PARTICIPATION IN MUNICIPAL COUNCILS BY TRADITIONAL AUTHORITIES: PROCLAMATION BY MEC FOR CO-OPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS, LIMPOPO DATED 26 SEPTEMBER 2016****(3/B/1)**

RESOLVED A.187.08.12.16 (COUNCIL)

1. THAT it be noted that the MEC for Cooperative Governance, Human Settlements and Traditional Affairs promulgated under Provincial Notice 111 of 2016 the names of Traditional Leaders who must serve in the proceedings of the districts and local municipal councils for a period of five years (2016 to 2021), published in Provincial Gazette Extraordinary No. 2752 dated 26 September 2016, as follows –

	NAME OF TRADITIONAL LEADER	TRADITIONAL COUNCIL
1.	MAJOSI H M	KHOMANANI
2.	MUILA T G	MUILA
3.	MUKHARI S T	NKHENSANI
4.	RAMABULANA V C	NTHABALALA
5.	MASHAMBA T L	MASHAMBA
6.	BALOYI J	RIBUNGWANE
7.	MUKHARI H S	ELIM-SHIRLEY
8.	KUTAMA P V	KUTAMA
9.	SINTHUMULE R H	SINTHUMULE
10.	MPHEPHU M M	MPHEPHU
11.	MOLEMA F	MULIMA
12.	NETSIANDA P	TSIANDA

(DCS)

2. THAT it be noted that the Traditional Council of Khomanani and Ribungwane are now geographically located in the new Local Municipality known as LIM 345; and that listed Traditional Leaders for said Traditional Councils should rather participate in LIM 345 Municipal Council activities. (DCS)
3. THAT the MEC for Cooperative Governance, Human Settlements and Traditional Affairs be informed of the fact that Traditional Council of Khomanani and Ribungwane are now geographically located in the new Local Municipality known as LIM 345 and no longer in Makhado municipal jurisdiction. (DCS)
4. THAT payment to Traditional Leaders **with exclusion of** the Traditional Council of Khomanani and Ribungwane for attendance of Council meetings will be for out of pocket expenses in terms of the provisions of Council's *Travel And Subsistence Policy, 2016* approved by Council Resolution A.87.26.05.16, as amended by Council Resolution A.141.17.08.16. (CFO)

ITEM A.188.08.12.16**ORGANIZATION: APPROVAL OF DELEGATED POWERS UNDER THE MUNICIPAL FINANCE MANAGEMENT ACT, 2003
(2/1/3/2/1; 2/1/3/2/2)**

RESOLVED A.188.08.12.16 (COUNCIL)

THAT Council approves the newly developed Delegation Framework under the Municipal Finance Management Act, 2003 attached to the report in this regard as Annexure A, and that it be implemented accordingly, subject thereto that

1. whenever the MFMA delegated power may be in conflict with any of the delegated powers under Council Resolution A.146.17.08.16, or
2. if it may be duplicating and in essence have not exactly the same purport than an existing delegated power under Council Resolution A.146.17.08.16

then in such instances the MFMA Delegated Power will be the valid and lawful delegated power.

DelegationFramework_itm

(DCS/CFO)

ITEM A.189.08.12.16**COUNCIL LAND: PROPOSED COMPENSATION OF AN ERF AT MAKHADO-A EXTENSION 2 TOWNSHIP
(E.2051)**

RESOLVED A.189.08.12.16 (COUNCIL) –

THAT Council approves compensation of an erf for Mr A P Magadagela subject to the following terms and conditions:

1. The client be compensated with erf 2398, Makhado-A Extension 2 township which is 840 m² in extent, same size as the one initially purchased.
2. The municipality will not accept liability for any loss and/or damage that may be caused as a result and/or consequences of the proposed transaction.
3. The intention to compensate erf 2398, Makhado A-Extension 2 township be in terms of the provisions of section 79(18) of the Local Government Ordinance 1939, (Ordinance 17 of 1939) as amended and be advertised in one (1) of the local newspapers for comments, if any.
4. Mr A P Magadagela submits a building plan for approval prior construction of any building structure.
5. The standard conditions for the sale of Municipal land will further apply.
6. A memorandum of agreement be entered into by and between Makhado Local Municipality and Mr A P Magadagela.
7. The approval is further subject to the following conditions:
 - 7.1 **Electricity:** Falls under Eskom's area of supply.
 - 7.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

- 7.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
- 7.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

CompensationErfMakhadoA_itm

(DDP)

ITEM A.190.08.12.16

**COUNCIL LAND: PROPOSED SALE OF 200 RESIDENTIAL ZONED PROPERTIES:
DZANANI EXTENSION 2 TOWNSHIP
(7/4/1/4)**

REMARK:

This matter was referred as item B.34.24.11.16.

ITEM A.191.08.12.16

**COUNCIL COMMITTEES: AUDIT AND PERFORMANCE AUDIT COMMITTEE
REPORT TO COUNCIL: QUARTER 4 OF 2015/2016 AND QUARTER 1 OF 2016/17
(4/26/1/1 & 10/1/4/1)**

REMARK:

The recommendations of both the Executive Committee and Section 79 Oversight Committee: Finance were approved and recorded as Council Resolution.

RESOLVED A.191.08.12.16 (COUNCIL)

1. THAT the Audit and Performance Audit Committee's report in respect of Quarter 4 of the 2015/16 financial year and Quarter 1 of the 2016/17 financial year be approved. (MM/CFO)
2. THAT note be taken of the concerns expressed by the Portfolio Councillor, Cllr N D Davhana regarding various issues highlighted in the APAC reports. (MM)
3. THAT the Municipal Manager as a matter of urgency submit the report and action plan of the Strategic Planning Sessions held on 17 and 18 November 2016, since the same concerns were raised at such instance for redressing. (MM)

APACReportAprilToSeptember2016_itm

ITEM A.192.08.12.16

**REPORTING: SUBMISSION OF WARD COMMITTEE'S ACTIVITIES: QUARTER 1,
2016/2017 FINANCIAL YEAR
(10/1/5/1)**

REMARK:

The recommendations of both the Executive Committee and Section 79 Oversight Committee: Corporate Services were approved and recorded as Council Resolution.

RESOLVED A.192.08.12.16 (COUNCIL) –

1. THAT Council takes note of the report of the Ward Committee activities for Quarter 1 of the 2016/17 financial year. (DCS)
2. THAT Proportional Representative Councillors be allocated specific wards so that they attend Ward Committee meetings of such ward. (DCS)

WardCommitteesQ1 2016-2017_itm

ITEM A.193.08.12.16

REVIEW: MAKHADO LOCAL MUNICIPALITY BATHO PELE SERVICE STANDARDS: 2016/2017 (11/B)

RESOLVED A.193.08.12.16 (COUNCIL)

1. THAT Council approves the reviewed Batho Pele Service Delivery Standards Policy, 2016 to easily monitor service delivery. (DCS)
2. THAT the contents of the reviewed Batho Pele Service Delivery Standards Policy as attached to the report in this regard be adopted as Municipality's Batho Pele Service Delivery Standards Policy, 2016 with effect of the date of this Council Resolution. (DCS)

ReviewBathoPeleStandardsPolicy_itm

ITEM A.194.08.12.16

FINANCES: PROCUREMENT: CLAUSE 36: QUOTATION DEVIATIONS: 1ST QUARTER: 2016/2017 FINANCIAL YEAR (10/1/5/2)

RESOLVED A.194.08.12.16 (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 Quarter 1 of the 2016/2017 financial year in the amount of R1 793 620,49 and which each was duly approved by the Accounting Officer before it was procured, be condoned by Council.

QuotationDeviation1stQuarter2016-2017_itm(1)

(CFO)

ITEM A.195.08.12.16**COUNCIL LAND: PROPOSED SALE OF 20 BUSINESS ZONED PROPERTIES:
WATERVAL-A TOWNSHIP
(7/4/13)**

RESOLVED A.195.08.12.16 (COUNCIL)

THAT the proposed sale of 20 business zoned erven at Waterval-A Township be approved, subject to the following conditions:

1. The intention to sell 20 business zoned erven at Waterval-A Township, be in terms of the provisions of section 79(18) of the Local Government Ordinance 1939, (Ordinance 17 of 1939), as amended, be advertised in one (1) of the local newspapers for comments, if any.
2. Council reserve erven 1899 and 1900 for the Department of Home Affairs.
3. The business zoned erven be sold whilst considering the general valuation roll for the period of 2014 / 2018 which will serve as the reserve or purchase price for the property.
4. The sale of 20 business zoned properties be done through public auction method.
5. Client(s) only be allowed to purchase one (1) erf per family/organization.
6. The developer submits a development proposal for consideration.
7. The property be developed within three (3) years from the date of signing the Deed of Sale, provided that Council may allow an extension of a further (2) years.
8. In the event that the developer failed to complete the development as required under paragraph 6 above, the property shall revert back to Council without compensation by the Municipality to the developer for any improvements on the property.
9. The standard conditions for the sale of Municipal land will further apply.
10. Memorandum of agreement made and entered into by and between Makhado Local Municipality and the respective purchasers.
11. The approval is further subject to the following conditions:
 - 11.1 **Electricity:** Eskom is the service provider and the electricity supply requests should be directed to Eskom.
 - 11.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
 - 11.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
 - 11.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

ITEM A.196.08.12.16**COUNCIL LAND: PROPOSED SALE OF THE REMAINDER OF ERF 1312 HA-TSHIKOTA TOWNSHIP
(7/4/1/3)**

RESOLVED A.196.08.12.16 (COUNCIL)

THAT the application to purchase by private contract the Remainder of erf 1312, Ha-Tshikota Township for business purpose received from Mr Musandiwa T, be approved, subject to the following conditions:

1. The intention to sell the Remainder of Erf 1312, Ha-Tshikota Township be in terms of the provisions of section 79(18) of the Local Government Ordinance 1939, (Ordinance 17 of 1939), as amended, advertised in local newspapers for comments, if any.
2. The property be sold at a market related valuation determined by the Professional Valuer which will serve as the purchase price for each property.
3. The applicant must be responsible to rezone the property from “Municipal” to the intended use zone.
4. The property be developed within three (3) years from the date of signing the Deed of Sale, provided that Council may allow an extension of a further (2) years.
5. In the event that the developer failed to complete the development as required under paragraph 4 above, the property revert back to Council without compensation by the Municipality to the developer for any improvements on the property.
6. The standard conditions for the sale of Municipal land will further apply.
7. A memorandum of agreement be made and entered into by and between Makhado Local Municipality and Mr Musandiwa T.
8. 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 he/she will bear all costs relative to the advertisements and valuation.
9. The approval is further subject to the following conditions:
 - 9.1 **Electricity:** Falls under Eskom’s area of supply.
 - 9.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
 - 9.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
 - 9.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

ITEM A.197.08.12.16**COUNCIL LAND: PROPOSED RELOCATION OF SPORT FACILITIES ON REMAINDER OF PORTION 7 OF THE FARM BERGVLIET 288 LS
(7/3/2/3/9)**

RESOLVED A.197.08.12.16 (COUNCIL)

THAT the proposed relocation of sporting facilities in Makhado be approved, subject to the following conditions:

1. The proposed relocation of rugby and soccer field from a portion of the Remainder of portion 7 of the farm Bergvliet 288 LS, for purpose of establishing a Regional Shopping Mall be in terms of the provisions of section 79(18) of the Local Government Ordinance 1939, (Ordinance 17 of 1939) as amended, advertised in one of the local newspapers for comments, if any.
2. The squash, badmington, wrestling and gymnastic facilities be relocated to corner Breda and Anderson streets (Swimming Pool area), Louis Trichardt township.
3. In a private capacity the lessees submit designs of the anticipated structures drawn by the Professional Architects.
4. The rugby and soccer fields be established on the newly earmarked area east of Makhado Local Municipality showground. The lessees should utilise 4.8 hectares.
5. The relocation plan be jointly planned thus, sporting codes, municipality and Mr T Phiri (CEO) acting on behalf of the Masingita Group of Companies.
6. Considering suitability of grass as a play floor and/or ground the rugby and soccer facility be the first to be relocated.
7. A lease agreement made and entered into with Makhado Local Municipality still stands and remain in force and 4.8 hectares be utilised in accordance with the original agreement.
8. The relocation shall comply with National Environmental Management Act (107 of 1998) prior commencement of project and recommendation from LEDET must be submitted.
9. The approval is further subject to the following conditions:
 - 9.1 **Electricity:** Portion 7 Bergvliet 288 LS has no existing electricity supply capacity. A 50kVA can be made available. 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 client 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 client is further obliged to comply with the following conditions:

- (a) 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.
- (b) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993.

- (c) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality.
- (d) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront.

The main feeder line (22kV 3Phase) to Eltivillas is running over the proposed area. No building can be erected within 10 metres from the outside conductor.

9.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

9.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

9.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

RelocationRugbySoccer_itm

(DDP)

ITEM A.198.08.12.16

COUNCIL LAND: PROPOSED SALE OF 200 RESIDENTIAL ZONED PROPERTIES: DZANANI EXTENSION 2 TOWNSHIP (7/4/1/4)

RESOLVED A.198.08.12.16 (COUNCIL) –

THAT the sale of 200 residential sites at Dzanani Extension three Township be approved subject to the following terms and conditions:

1. Objections be dismissed by Council as Council is the land owner and engineering services be prioritised.
2. Sale of residential sites be advertised in a local newspaper.
3. The sale of 200 residential zoned properties be done through public auction method.
4. Clients be informed that sites are without water, sewer and electricity services but will be prioritised in the five year plan of the municipality through the Integrated Development Plan.
5. The sites be alienated on cash basis to avoid contravention with section 164(1) (c) of the Local Government Municipal Finance Management Act, Act 56 of 2003, read together with the National Treasury MFMA Circular No. 8 of 2004, clause 5.7.
6. The Chief Financial Officer record all properties sold and classify them in terms of GRAP standards and requirements in order to avoid fundings during audit periods.
7. Funds generated be ring-fenced and be used for the provision of engineering services projects in Makhado-A extension 2 area.
8. Council takes note that 90% of streets are already opened and iron pegs identified. The municipality will not accept liability for any loss and/or damage that may be caused as a result and/or consequences of the proposed transaction.

9. Clients be exempted from clause 13.8 of the municipal land sale policy which stipulates that *“the buyer is expected to have constructed the applicable structure within a period not exceeding twenty four month (24) months”*, and that it rather be five years from the date of signing deed of sale as there are no engineering services.
10. Officials and political office bearers be afforded an opportunity to participate during the date of auction in accordance with the immovable property disposal policy as adopted by Council.
11. The approval is further subject to the following conditions:
 - 11.1 **Electricity:** Falls under Eskom’s area of supply.
 - 11.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
 - 11.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
 - 11.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

Auction200SitesDzanani_itm(1)

(DDP)

(REMARK: Items A.199.08.12.16 to A.208.08.12.16 are Section 79 Standing Committee: Municipal Public Account Committee reports which are reported directly to Council and can be found under **paragraph 6.3** elsewhere in this minutes).

ITEM A.209.08.12.16

COUNCIL LAND: PROPOSED TENDER FOR THE LEASE OF CLOUDS END HOTEL (7/3/2/3/17)

RESOLVED A.209.08.12.16 (COUNCIL) –

THAT due to actual determined demand for the lease of the Clouds End Hotel the Department of Development Planning proposes that the tender for such lease be approved subject to the following terms and conditions:

1. In terms of the provisions of section 79(18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) as amended the intention to tender for the lease of the Clouds End Hotel be advertised in one (1) of the local newspapers for objections if any.
2. The tender for the lease of the Clouds End Hotel be at a market related valuation determined by a Professional Valuer which will serve as the reserve price for rental.
3. The term of lease be for a period of five (5) years, with lease renewal option.
4. A standard lease agreement be made and entered into by and between Makhado Local Municipality and the successful lessee.
5. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immoveable Land Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that they will bear all costs relative to the advertisements and valuation.

6. The applicant shall comply with the National Environmental Management Act, 1998 (Act 107 of 1998) prior, commencement of projects or activity and recommendations for the Department of Limpopo Economic Development, Environment and Tourism must be submitted.
7. That Council note a land claim has been recorded against the property and it is not known when will the Land Claims Commissioner redress the matter and how.
8. That RLCC be informed of the Council's intent to lease the property prior tender advertisement.
9. The approval is further subject to the following conditions:
 - 9.1 **Electricity:** The remainder portion of farm Cloudsend 279 LS has an existing electricity supply capacity of 200kVA 11/.4kV 3PH.
The Main Mountain feeder line (11kV 3PH) and the Witvlag branch line (11kV 3 PH) is running over the property and must not be disturbed.
No additional capacity can be made available at this point in time.
The new lessee must take the electricity over in his name.
Should this capacity be insufficient in future, 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 client 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 client is further obliged to comply with the following conditions:
 - (a) 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.
 - (b) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993.
 - (c) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality.
 - (d) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront.
 - 9.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
 - 9.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
 - 9.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

ITEM A.210.08.12.16**COUNCIL LAND: DONATION OF ERF 6105 FOR THE PURPOSE OF ESTABLISHING A SATELLITE CAMPUS IN THE PROPOSED TOWNSHIP, LOUIS TRICHARDT EXTENSION 13 (E.6105)**

RESOLVED A.210.08.12.16 (COUNCIL)

THAT the request by the University of Venda to acquire Erf 6105 in extent 5, 76 hectares in the proposed Louis Trichardt Extension 13 Township through donation for the purpose of establishing a satellite campus, be approved, subject to the following conditions:

1. After the approval of General Plan by the Surveyor General, the intention to donate Erf 6105 Louis Trichardt Extension 13 Township be in terms of the provisions of section 79(18) of the Local Government Ordinance 1939, (Ordinance 17 of 1939) as amended advertised in local newspapers for comments, if any.
2. The University must submit a comprehensive plan to the Municipality and such comprehensive plan must be presented to the Executive Committee before the end of the current 2016/2017 financial year.
3. The proposed township should be given priority for service installation such as sewer, water and electricity.
4. Vhembe District Municipality must be consulted for sewer and water infrastructure.
5. The University of Venda be responsible to rezone the property from "Special" to the intended use zone.
6. After the installation of services, the development must start within three years.
7. In the event that the University failed to start with the development as required under paragraph 6 above, the property revert back to Council.
8. The standard conditions for the donation of Municipal land will further apply.
9. A memorandum of agreement be made and entered into by and between Makhado Local Municipality and the University of Venda.
10. The approval is further subject to the following conditions:

10.1 **Electricity:** Erf (6105) Portion 7 Bergvliet 288 LS has no existing electricity supply capacity.

The area, Ext 13 LTT is not yet developed and therefore do not have electrical services.

The Eltivillas feeder line runs in the proximity of the stand and will be removed and relocated to supply Eltivillas from a different point along the Thohoyandou Road. The pump station no. 3 is supplied by the Mountain line.

An entire new substation for the whole Ext 13 will have to be developed and installed to supply the area.

A temporary supply may be taken from the existing line which stand to be rerouted subject to the development and the new substation to be installed.

The donation shall further be subject to:

- (a) Overall availability of capacity in the Municipality's electricity supply scheme.

- (b) Only a maximum of 50kVA may be considered according to present status of the electricity supply scheme.

The client 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 client upfront.

10.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

10.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

10.4 **Property Rates:** The landowner will be liable to pay all property rates due to the Municipality with effect of date of registered ownership of the property in its name.

DonationLandUniven_itm

(DDP)

ITEM A.211.08.12.16

COUNCIL LAND: PROPOSED TRANSFER OF FUNDS PAID FOR ERF 107, ELTI VILLAS EXTENSION 1 TOWNSHIP AND SALE OF ERF 108, ELTI VILLAS EXTENSION 1 TOWNSHIP (EE107 & EE108)

RESOLVED A.211.08.12.16 (COUNCIL)

THAT the proposed transfer of funds paid for erf 107, Elti Villas Extension 1 Township and sale of erf 108, Elti Villas Extension 1 Township to Mr Z Z Malange as replacement be approved, subject to the following conditions:

1. The intention to sell erf 108, 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 and objections, if any.
2. The initial cash equivalence and price list be considered.
3. The land owner carry out all rezoning processes.
4. The developer submits a development proposal for consideration.
5. The property be developed within three (3) years from the date of signing the Deed of Sale, provided that Council may allow an extension of a further two (2) years.
6. In the event that the developer failed to complete the development as required under paragraph 4 above the property shall revert back to Council without compensation by the municipality to the developer for any improvements on the property.

7. A standard agreement of sale be made and entered into by and between Makhado Local Municipality and Z Z Malange.
8. The standard conditions for sale of Municipal land will further apply.
9. The applicant be informed in terms of the provisions of item 17(t) read with item 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 he/she will bear all costs relative to the advertisements and valuation.
10. The approval is further subject to the following conditions:
 - 10.1 **Electricity:** Erf 107 Eltivillas has an existing electricity supply capacity of 16kVA and Erf 108 has no connection. Only a 16kVA connection can be made available for Erf 108 Eltivillas. 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 client 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 client is further obliged to comply with the following conditions:

- (a) 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.
 - (b) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993.
 - (c) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality.
 - (d) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront.
- 10.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
- 10.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
- 10.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

ITEM A.212.08.12.16**COUNCIL COMMITTEES: SECTION 79 AND 80 COMMITTEES OF COUNCIL: FIRST AMENDMENT
(4/1/B)**

RESOLVED A.212.08.12.16 (COUNCIL)

1. THAT Council's Section 79 Oversight Committees and Section 79 Standing Committees be amended to meet the compliance requirement of the composure of the Municipal Public Account Committee, as follows:
 - 1.1 By removing Cllr M Q Maphaha from the Oversight Committee: Technical Services and the Oversight Committee: Development Planning.
 - 1.2 By removing Cllr M A Mashamba from the Oversight Committee: Disaster, Moral Regeneration, Sports, Arts and Culture and the Oversight Committee: Special Programmes, as well as the Standing Committee: Ethics.
 - 1.3 Cllr B F Hlongwane be removed from the Oversight Committee: Special Programmes and the Standing Committee: Rules. (DCS)
2. THAT the name of the late Cllr J P Underwood be removed from all Council Committees where she is listed. (DCS)

AmendCommittees2016_itm

CONFIDENTIAL**ITEM CA.213.08.12.16****CONFIDENTIAL MATTER**

6.3 Report of the Section 79 Standing Committee: Municipal Public Account Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): December 2016

ITEM A.199.08.12.16

MPAC: 2016/2017 WORK PROGRAMME AND ANNUAL TARGETS OF MPAC (4/33 &10/1/2)

RESOLVED A.199.08.12.16 (COUNCIL)

THAT note be taken of the MPAC 2016/2017 Work Programme and Annual Targets as already approved by Council Resolution A114.14.07.16. (DCS)

MPACWorkProgramme2016-2017_itm

ITEM A.200.08.12.16

MPAC: MUNICIPAL PUBLIC ACCOUNT COMMITTEE CHARTER, 2016 (4/33)

REMARK:

Cllr N S Munyai proposed, duly seconded by Cllr K M Maluleke that the matter be deferred pending opportunity to familiarize councilors with the Charter.

RESOLVED A.200.08.12.16 (COUNCIL)

THAT Municipal Public Account Committee's (MPAC) Charter for the 2016/2017 financial year as already approved by Council Resolution A115.14.07.16, be referred back to afford new councillors the opportunity to familiarize themselves with the content of the Charter. (DCS)

MPACCharter2016_itm

ITEM A.201.08.12.16

MPAC: SUPPLY CHAIN MANAGEMENT POLICY, 2016/2017 FINANCIAL YEAR (6/1/1(16/17))

RESOLVED A.201.08.12.16 (COUNCIL)

THAT note be taken of the Supply Chain Management Policy for the 2016/2017 financial year already approved by Council Resolution A87.26.05.16 submitted again by MPAC. (DCS)

MPACSCMPolicy_itm

ITEM A.202.08.12.16

MPAC: SECTION 71 (MFMA 2003) MONTHLY REPORTS SUBMITTED TO COUNCIL AND ITS RESOLUTIONS: QUARTER 1, 2016/2017 FINANCIAL YEAR (6/1/1(16/17))

RESOLVED A.202.08.12.16 (COUNCIL)

1. THAT the Municipality must enhance the revenue collection strategy to improve its surplus.

(CFO/MM)

2. THAT it is proper to have positive cash and cash equivalent balance in some months in order to make up for months where there is a decrease in cash held, for e.g. favorable balance for any cover. (CFO)

MPACSection71ReportsJuly2016_itm

ITEM A.203.08.12.16

**MPAC: CAPITAL AND OPERATIONAL BUDGET: 2016/2017 TO 2018/19 FINANCIAL YEAR
(10/1/2)**

RESOLVED A.203.08.12.16 (COUNCIL)

THAT the Municipality must stick to the approved Capital and Operational Budget 2016/2017 to 2018/2019 Financial Year approved by Council Resolution A.87.26.05.16. (MM)

MPACBudget2016-2017

ITEM A.204.08.12.16

**MPAC: TOWN-PLANNING AND CONTROL: FINAL 2016/2017 INTEGRATED DEVELOPMENT PLAN
(15/7/1; 15/8/1)**

RESOLVED A.204.08.12.16 (COUNCIL)

THAT MPAC found the following projects was listed in final 2016/17 IDP, but it was not in the approved 2016/17 Estimates:

1. Page 152, Construction of cattle pound, Tshitale (Waterval) R450,000;
2. Page 152, Upgrading of vehicle testing station (Gr B to A) R300,000;
3. Page 152, Refurbishment of library roof – R50,000 and that Council consider to ratify such errors. (MM/CFO)

MPACFinalIDP2016-2017_itm

ITEM A.205.08.12.16

**MPAC: DEVIATION REPORTS OF PROCUREMENT: QUARTER 1, 2016/2017 FINANCIAL YEAR
(8/3/2/1)**

RESOLVED A.205.08.12.16 (COUNCIL)

THAT the Chief Financial Officer provide to MPAC an extract from the Municipal Assets Register listing all municipal vehicles. (CFO)

MPACDeviationsQuarter1_itm

ITEM A.206.08.12.16**PERFORMANCE MANAGEMENT: SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: QUARTER 1 PERFORMANCE REPORT, 2016/17 FINANCIAL YEAR
(10/1/4/1 – 10/1/4/8)**

RESOLVED A.206.08.12.16 (COUNCIL)

THAT the Municipality must improve its cash flow, especially from debtors, and also curb unnecessary expenditure, should any such be identified. (CFO)

ITEM A.207.08.12.16**MPAC: MPAC PRACTICAL GUIDE FOR ENHANCING OVERSIGHT IN MUNICIPALITIES
(4/33 & 10/1/2)**

RESOLVED A.207.08.12.16 (COUNCIL)

THAT note be taken of the Practical Guide for Enhancing Oversight in Municipalities as compiled by SALGA, which Council's MPAC refers to in their oversight function. (DCS)

MPACPracticalGuide2016-2017_itm

ITEM A.208.08.12.16**MPAC: ANNUAL FINANCIAL STATEMENTS FOR PERIOD ENDING 30 JUNE 2016, DATED 4 NOVEMBER 2016
(6/1/1(16/17))**

RESOLVED A.208.08.12.16 (COUNCIL)

1. THAT the Municipality must improve collection on service charges. (CFO)
2. THAT the Annual Financial Statements for 2015/2016 Financial Year as considered on 4 November 2016 is in order. (MM)

MPACAnnualFinancialStatements2016_itm(1)

* * * * *

6.4 Resolutions of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): November 2016

414th Executive Committee Meeting: 10 November 2016

416th Executive Committee Meeting: 24 November 2016

ITEM B.29.10.11.16

FINANCES: PROCUREMENT: CLAUSE 36: QUOTATION DEVIATIONS: 1ST QUARTER: 2016/2017 FINANCIAL YEAR (10/1/5/2)

RESOLVED B.29.10.11.16 (EXECUTIVE COMMITTEE)

THAT the matter be referred back pending further information regarding the repair of vehicle with registration number CML 355L.

QuotationDeviation1stQuarter2016-2017_itm

(CFO)

ITEM B.30.10.11.16

REPORTING: ASSESSMENT OF CONTRACTED SERVICES PROVIDERS: QUARTER 1, 2016/2017 FINANCIAL YEAR (10/1/5/2)

REMARK:

The recommendation of the Section 79 Oversight Committee: Finance was approved and recorded below.

RESOLVED B.30.10.11.16 (EXECUTIVE COMMITTEE)

1. THAT in terms of clause 116 of the Municipal Finance Management Act, Act No. 56 of 2003, the assessment report of contracted service providers for Quarter 1 of the 2016/2017 financial year be noted by the Council, as set out in the Annexure attached to the report in this regard.

(CFO)

2. THAT with reference to Tender 28/2015 (Electrification of Manavhela & Madodonga), it must be clarified whether Rivisi Electrical Contractors are indeed the service provider, and the outcome reported.

AssessmentServicesProvidersQ1 2016-2017_itm

(CFO)

ITEM B.31.10.11.16

FINANCES: IMPLEMENTATION: MAKHADO MUNICIPAL SUPPLY CHAIN MANAGEMENT POLICY, 2016: QUARTER 1, 2016/2017 FINANCIAL YEAR (1/3/54/1 & 10/1/5/2)

REMARK:

The recommendation of the Section 79 Oversight Committee: Finance was approved and recorded below.

RESOLVED B.31.10.11.16 (EXECUTIVE COMMITTEE) –

1. THAT note be taken of the implementation of Supply Chain Management Policy, 2016 during Quarter 1 of the 2016/2017 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, 2016.

(CFO)

2. THAT with reference to the detail in the Annexure attached to the report in this regard:
- 2.1 all prices must be reflected, including different rates or prices per item,
- 2.2 quantities must be indicated, for e.g. how many vehicles was purchased against the indicated amount.

ImplementationQuarter1-2016-2017SCMPolicy_itm

(CFO)

ITEM B.32.10.11.16

FINANCE: IN YEAR MONITORING AND REPORTING: MONTH ENDING 30 SEPTEMBER 2016 (6/1/1(2016/2017))

RESOLVED B.32.10.11.16 (EXECUTIVE COMMITTEE) -

THAT the in-year monitoring financial report for the month ending September 2016 be noted by Council.

MonitoringSept2016_itm

(CFO)

ITEM B.33.24.11.16

PERFORMANCE MANAGEMENT: FIRST QUARTER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PROGRESS REPORT: 2016/17 FINANCIAL YEAR (10/1/4/1; 10/1/2)

RESOLVED B.33.24.11.16 (EXECUTIVE COMMITTEE)

THAT Council takes note of the First Quarter Service Delivery and Budget Implementation Progress Report for the 2016/17 financial year attached as Annexure A to the report in this regard.

SDBIPQ12016-17_itm

(MM)

ITEM B.34.24.11.16

COUNCIL LAND: PROPOSED SALE OF 200 RESIDENTIAL ZONED PROPERTIES: DZANANI EXTENSION 2 TOWNSHIP (7/4/1/4)

REMARK:

This matter was referred from item A.190.08.12.16.

RESOLVED B.34.24.11.16 (EXECUTIVE COMMITTEE) –

THAT the matter be referred back pending investigation about a selling model other than a public auction, which will be consistent with the legislative framework.

Auction200SitesDzanani_itm

(DDP)

* * * * *

The meeting was closed and adjourned at 15:28.

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 2017.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_117