

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND NINETEENTH (119th) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 30 MARCH 2017 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

PRESENT

Councillors

BABADU, T M
 BULALA, S I
 CHILILO, N F
 DAVHANA, N D
 DU PLOOY, A
 DZIVHANI, T E
 FURUMELE, M G
 GABARA, M J
 HLONGWANE, F B
 KUTAMA, T
 LUDUVHUNGU, V S
 LUKHELI, J
 MADULA, S
 MADUWA, E
 MADUWA, L G
 MAGADA, M R
 MALANGE, T M
 MALIVHA, N V
 MALULEKE, K M
 MAMROBELA, T P
 MAPHUBU, K
 MASUKA, S
 MASUTHA, L G
 MATHALISE, L M
 MATUMBA, A

MOGALE, L B
 MOHLABA, T J
 MUKHARI, M F
 MUKWEVHO, G T
 MUKWEVHO, T D
 MULEFU, M E
 MUSANDIWA, P N
 NDOU, M D
 NDOU, M N
 NEMATANDANI, M C
 NEMUDZIVHADI, N S
 NETHULWE, M F
 NYELISANI, S S
 RAMAVHOYA, K S
 RAMUSHAVHA, G M
 RASHAMUSE, A G
 SIMANGWE, N J
 SINYOSI, S M
 SITHI, E T
 TAMBANI, T E
 TSHIAMBWA, L R
 TSHIBVUMO, G
 TSHIFURA, S S

Officials

M J KANWENDO	(ACTING MUNICIPAL MANAGER)
S M CAROTO	(ACTING DIRECTOR CORPORATE SERVICES)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT PLANNING)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
C W MOLOKOMME	(DIRECTOR TECHNICAL SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)
T E SHIRINGANI	(ASSISTANT MANAGER: COMMITTEES & AUXILIARY SERVICES)
S W MATHONSI	(SARGENT OF ARMS)

Traditional Leaders

T G MUILA	R H SINTHUMULE
M M MPHEPHU	F MOLEMA
P NETSIANDA	

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 30 March 2017 to Cllrs T Balibali, M A Selapyana, D Ratshikuni, M G Phoshoko, F N Madzhiga, M Mpashe, N B Jones, R Raliphada, M L Masipa, T A Maraga, K P Maringa, S Z Mthombeni, N Kutama, M S Tshilamyana, M D Mboyi, T C Mamafha, M R Makgoadi, M A Mashamba, M Q Maphaha, T J Mamafha, N Munyai and M E Malima.

REMARK:

- 2.1 Cllrs M S Machete, M A Mafhala, R T Maingo, N S Munyai and A A Raphaelalani were not present at the meeting.
- 2.2 The following Traditional Leaders were not present at the meeting: Hosi S T Mukhari, Khosi V C Ramabulana, Khosi N T L Mashamba, Hosi H S Mukhari and Khosi P V Kutama.

3. OFFICIAL ANNOUNCEMENTS

The Speaker, Cllr L B Mogale announced that a delegation of Tshilwavhusiku Razwimisani Special School's Floor Hockey Team was present for ceremonial purpose later in the meeting.

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 bereaved family of the deceased Mpho Sioga who was involved in a fatal vehicle collision on the N1 national road.

5.2 The Mayor, Cllr S M Sinyosi congratulated the Tshilwavhusiku Razwimisani Special School's Floor Hockey Team who had returned with a number of gold medals from the Special Olympics World Winter Games 2017, in Austria.

She further commended them as follows: "To our team of floor hockey from Tshilwavhusiku Razwimisani Special School, you –

- *did a marvellous job, a work well done*
- *came back with gold medals, your own shining stars*
- *made the whole of South Africa, Limpopo Province, Vhembe District and Makhado Municipality proud*
- *lifted our banner higher*
- *made Makhado to be known in the world.*

Indeed you are the descendent of Tshilwavhusiku Ramabulana, the Lion of the North. The Warrior who fought and never defeated in all his fights. We salute you."

- 5.3 Cllr A Matumba congratulated the Economic Freedom Fighters students combat in Vhembe Campus and Mashamba Campus for winning SRC elections.
- 5.4 Cllr G Tshibvumo proposed condolences to the bereaved family of Mr Ahmed Kathrada, former political prisoner and anti-apartheid activist who passed away.
- 5.5 Cllr M N Ndou congratulated Ward Councillor of ward 38, Cllr A G Rashamuse who donated forty (40) school uniforms to needy students.
- 5.6 Cllr M E Mulefu proposed condolences to the bereaved family of Mr Likhavhane who was burned by fire and he further congratulated the Disaster Section for good work performed.
He further congratulated the Mayor, Cllr S M Sinyosi for donating sanitary towels at Vhulaudzi Secondary School. He also congratulated Humbelani Secondary School with its 92% matric pass rate in 2016.
- 5.7 Cllr P N Musandiwa congratulated the Mayor, Cllr S M Sinyosi for assisting in Ward 14 when two (2) children, aged eleven and thirteen years respectively, had drowned.
- 5.8 Cllr L G Masutha congratulated the Mayor, Cllr S M Sinyosi, Executive Committee members and the MEC of Coghsta, Ms Makoma Grace Makhurupetja for doing good work in the community.
- 5.9 Cllr S S Nyelisani proposed condolences to the bereaved family of Mr Matodzi with the death of their grandmother, and also the bereaved family of Mr Mashamba with the death of their father.
- 5.10 Cllr S Masuka proposed condolences to the bereaved family of Mr Joe Mafela who died on Saturday, 18 March 2017 and was buried on Wednesday, 29 March 2017. He was a South African actor, writer, producer, director and singer.

(REMARK: At the end of the business of the meeting, the Tshilwavirusiku Razwimisani Special School's delegation was called to the podium for photo sessions with office bearers of Municipality. Spokespersons of each political party in Council were afforded opportunity to express words of congratulations to the delegation.)

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): March 2017

426th Executive Committee meeting held on 23 March 2017

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): March 2017

8th Section 79 Oversight Committee: Corporate Services meeting held on 28 March 2017

4th Section 79 Oversight Committee: Community Services meeting held on 29 March 2017

4th Section 79 Oversight Committee: Development Planning meeting held on 28 March 2017

4th Section 79 Oversight Committee: Finance meeting held on 28 March 2017

5th Section 79 Oversight Committee: Technical Services meeting held on 27 March 2017

(REMARK:

Items A.7.26.04.17 to A.13.26.04.17 and items A.18.26.04.17 to A.31.26.04.17 will be considered at the 82nd Council meeting to be held on 26 April 2017.

Items A.14.23.02.17 to CA.17.23.02.17 were considered at the 118th Special Council meeting held on 23 February 2017.)

ITEM A.32.30.03.17**COUNCIL MEETINGS: ADMINISTRATIVE ARRANGEMENTS: IMPLEMENTING OF THE WHIPPERY SYSTEM
(4/1/B)**

RESOLVED A.32.30.03.17 (COUNCIL)

1. THAT the Whippery System be implemented in Council with effect of 1 April 2017, as more fully set out in the report in this regard, and that the seating arrangements in Council during meetings be arranged according to the Whippery System. (DCS)
2. THAT the six (6) parties in Council each designate one member who will perform the role of its party whip for mere administrative and serve in the Whippery Committee: Provided it be understood that the *Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils* does not permit additional remuneration for this purpose. (DCS)
3. THAT Executive Committee appoints a Leader of Executive Business as interface with Council and also take note that the *Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils* does not permit additional remuneration for this purpose. (DCS)

WhipperySystemIntroduce_itm

ITEM A.33.30.03.17 (originally A.33.30.04.17)**COUNCIL MEETINGS: SEATING ARRANGEMENTS ACCORDING TO WHIPPERY SYSTEM
(4/1/B)**

RESOLVED A.33.30.03.17 (COUNCIL)-

THAT with effect of 1 April 2017 the seating protocol in Council Chamber be amended to be as described in the report in this regard, and that the Director Corporate Services proceed to take all steps to implement accordingly. (DCS)

SeatingProtocol_itm

ITEM A.34.30.03.17 (originally A.34.30.04.17)**COUNCIL COMMITTEES: PROGRESS REPORT: IMPLEMENTING OF SEPARATION OF POWERS MODEL
(4/1/B)**

RESOLVED A.34.30.03.17 (COUNCIL)

1. THAT Councilors be trained on the separation of powers model, beginning with all office bearers, members of Executive Committee and Section 79 Committee Members (both standing and oversight committees). (DCS)

2. THAT the Terms of Reference (rules and responsibilities) be developed for each of the section 79 committees and must be submitted for approval in the 2017/18 financial year.
(DCS)
3. THAT Council's Rules of Order, 2016 be amended to make provision for the separation of powers model and it be included as a project in the 2017/18 financial year. (DCS)
4. THAT provision be made in the 2017/18 Estimates for a feasibility study and Phase 1 of the project of a council chamber and ancillary amenities, as a multi-functionary project involving the Municipal Manager, Director Technical Services, Director Development Planning and Chief Financial Officer, with external expertise for design and supervision of the contract.
(DDP)
5. THAT the whippy system be implemented, if need be, the Rules of Order, 2016 must be amended to permit same. (DCS)
6. THAT protocol on sitting arrangements of political parties in Council be implemented.
(DCS)
7. THAT a member of the Executive Committee be designated as Leader of Executive Business as Interface of Council with the Executive. (DCS)
8. THAT a Programming Committee consisting of Chairpersons of Section 79 Committees be implemented in future. (DCS)
9. THAT the status quo regarding secretarial and support services will be maintained because the size of the institution does not warrant a separate secretariat, and the model can be effectively served through the existing administrative system. (DCS)

ProgressReportSepPowersModel_itm

ITEM A.35.30.03.17

COUNCIL LAND AND BUILDINGS: PROPOSED SUITABLE COUNCIL CHAMBER AND ANCILLARY AMENITIES: 2017/18 FINANCIAL YEAR (7/2/1/3/1)

RESOLVED A.35.30.03.17 (COUNCIL)

1. THAT Council identifies it as priority that a Council Chamber and on suite amenities for its office bearers must be created and that phase 1 of such project be provided for in the 2017/18 Capital Estimates. (DCS)
2. THAT a task team consisting of the Municipal Manager and all senior managers be established to investigate the design and development of a Council Chamber with accompanying board rooms and on suite amenities for its office bearers, with a view to provide funds in the 2017/18 financial year for phase 1 of such project. (MM)

CouncilChamberAmenities_itm

(REMARK:

Items A.36.26.04.17 to A.45.26.04.17 will be considered at the 82nd Council meeting to be held on 26 April 2017.)

ITEM A.46.30.03.17

**FINANCES: DRAFT CAPITAL AND OPERATIONAL ESTIMATES 2017/2018 TO 2019/2020
FINANCIAL YEAR
(6/1/1 (2017/2018))**

REMARK:

When this matter was put for consideration, the Executive Committee proposed an amendment to its recommendation as follows:

- (i) The last sentence of the wording of paragraph 1, must read as follows:
“section 22 of the Municipal Finance Management Act 56 of 2003, with the following amendment -”
- (ii) Insert paragraph 1.1 immediately following paragraph 1 to read as follows:
“1.1 On page EC 2017/880, the project description of the 6th last line under the Civil Engineering section of the Capital Budget must be corrected to read as follows:
“Valdezia Tar Road Phase 2”, in order to align with the description in the IDP.”

The proposal was accepted in general and recorded as Council’s Resolution accordingly herein below.

RESOLVED A.46.30.03.17 (COUNCIL)

1. THAT the Draft Capital and Operational Estimates for the 2017/2018 financial year as more fully recorded in Annexure A attached to the report in this regard be approved and that the Accounting Officer proceeds with the publication of the Draft Annual Budget as purposed in section 22 of the Municipal Finance Management Act 56 of 2003, with the following amendment:
 - 1.1 On page EC 2017/880, the project description of the 6th last line under the Civil Engineering section of the Capital Budget must be corrected to read as follows:
“Valdezia Tar Road Phase 2”, in order to align with the description in the IDP. (CFO)
2. THAT the following 2017/2018 to 2019/2020 financial year’s budget related policies be approved as more fully set out in **Annexure D1 to D19** attached to the report in this regard-

Policies

- 2.1 Virement Policy
- 2.2 Credit Control and Debt Collection Policy
- 2.3 Tariff Policy Free Basic Services
- 2.4 Borrowing Policy
- 2.5 Expenditure Management Policy
- 2.6 Funding and Reserves Policy
- 2.7 Budget Policy
- 2.8 Framework for Cash Flow Management
- 2.9 Asset Policy
- 2.10 Investment Policy
- 2.11 Subsidy for Indigent Household Policy
- 2.13 Debt Writing Off Policy
- 2.14 Property Rates Policy
- 2.15 Supply Chain Management Policy
- 2.16 Revenue Management Policy
- 2.17 Travel and Subsistence Policy

2.18 Petty Cash Policy

2.19 Cellphones Policy

(CFO)

3. THAT the amendment to the contents of the Property Rates By-law, 2016 and the Credit Control and Debt Collection By-law, 2016 be approved as more fully set out in Annexure D20 and D21 of the report in this regard, and that the necessary promulgation be undertaken after public consultation thereof. (CFO)
4. THAT the increase in 2017/2018 municipal tariffs and charges be approved as more fully set out in the various notices of Annexure C to this report, and the necessary promulgation thereof be done in terms of the provisions of Local Government Legislation. (CFO)
5. THAT it be noted that the Draft 2017/2018 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 attached being the quality certificate approved by the Accounting Officer. (CFO)
6. THAT in view thereof that the last review was in 2010, the transport allowance as a service benefit of officials that participate in the Transport Allowance Scheme be amended in line with the increase based on the MFMA Budget Circular 85 Guidance for 2017/18 of 7.75%, as follows: Provided it be aligned to actual SALGA salary increases promulgated after 1 July 2017:

POST LEVEL	NUMBER OF INCUMBENTS PRESENTLY PARTICIPATING	2016/17 Per incumbent per month	2017/18 per incumbent per month
1	Twelve	10 747.84	11 580.80
3	Sixteen	9 011.06	9 709.42
4	Ten	8 813.87	9 496.95
5	Thirteen	8 163.59	8 796.27
6	Ten	6 579.52	7 089.43
7	Two	6 336.76	6 827.86

(MM)

7. THAT all old vehicles and road works machinery be auctioned to raise money to buy new graders. (CFO)

ITEM A.47.30.03.17**PERFORMANCE MANAGEMENT: DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLANS 2017/18 FINANCIAL YEAR
(10/1/4/1; 10/1/2)**

RESOLVED A.47.30.03.17 (COUNCIL)

THAT Council takes note of the Draft Service Delivery and Budget Implementation Plan for the 2017/18 financial year. (MM)

DraftSDBIP2017-2018_itm

ITEM A.48.30.03.17**PLANNING: DRAFT INTEGRATED DEVELOPMENT PLAN REVIEW 2017/2018 FINANCIAL YEAR
(15/7/1, 15/8/1 & 6/1/1(2017/18))**

RESOLVED A.48.30.03.17 (COUNCIL)

THAT the Draft Integrated Development Plan (IDP) review for the 2017/18 financial year be approved upon which public comments be invited in respect of the 2017/2018 Draft Estimates; subject to:

- i) the inclusion of Ward 24 and Ward 25 which is not included; and
- ii) in Ward 17 the statement of “*Animals are damaging the tombstones in the graveyards*” must be deleted and recorded under Ward 38; and
- iii) the issue of demarcation of wards in some areas are still reflected and must be removed; and
- iv) the inclusion of the submission by Ward 1 (Waterval Region) on 8 February 2017 at the IDP Consultative meeting.

DraftIDP2017-2018_itm

(MM)

6.2 Recommendations 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): March 2017

ITEM A.49.30.03.17

MPAC: PUBLICITY: ANNUAL REPORT 2015/16: MPAC OVERSIGHT REPORT AND FINAL APPROVAL: SUBMISSION TO DEPARTMENT NATIONAL TREASURY AND DEPARTMENT PROVINCIAL AND LOCAL GOVERNMENT (10/1/4/1-8)

REMARK

When this matter was put, Clr E T Sithi proposed, duly seconded by Clr M J Gabara:

- (i) that the statement under paragraph 5.1.6 on page SCM2017/19 which reads *“MPAC recommends that the Accounting Officer and Management must monitor the companies who did not perform on previous jobs rendered, and that they be not appointed in future”* be removed from the record; and
- (ii) that the recording under paragraph 9 on page SCM2017/26 be amended to read as follows-
“9. THAT the performance bonus for Accounting Officer and Directors must be paid only after adoption of the Annual Report by Council.”

Clr G Tshibvumo on behalf of the DA Party objected to the proposal of Clr E T Sithi as worded under item (i) above and proposed that the statement under paragraph 5.1.6 not be removed from the record.

Several councillors hereupon participated in discussions that followed the proposals of Clr E T Sithi and the objection to proposal (i) by Clr Tshibvumo. The Speaker ultimately ruled that no further discussions be held, and repeated the proposals before Council to consider, i.e.

1. Clr E T Sithi’s two proposals listed under item (i) and (ii) above; and
2. Clr G Tshibvumo’s objection against proposal (i) above and his proposal that the statement not be removed

The two proposals of Clr E T Sithi was accepted in general and recorded as Council’s Resolution herein below. Clr G Tshibvumo requested that his objection against the approval of proposal (i) be recorded.

RESOLVED A.49.30.03.17 (COUNCIL)

1. THAT it be noted that the Oversight Committee (MPAC) considered the Final Annual Report, 2015/16 and can recommend that Council accepts it as more fully set out in its report of findings attached as Annexure B to this report. (MM)
2. THAT Council adopts the Oversight Committee’s (MPAC) Report dated 18 March 2017 attached as Annexure A to the report in this regard, without any reservations as corrections have been made in line with the MPAC recommendations, subject to the following amendments:
 - 2.1 On page SCM 2017/26 the recommendation under paragraph 9 be amended to read as follows-
“9. That the performance bonus for the Accounting Officer and Directors must be paid only after adoption of the Annual Report by Council.”
 - 2.2 On page SCM2017/19 the whole content of paragraph 5.1.6 must be deleted. (MM)

3. THAT it be noted that Council's Resolution under this report together with annexures will be submitted to National Treasury and the MEC of Cooperative Governance Human Settlement and Traditional Affairs for submission to the Minister of Cooperative Governance and Traditional Affairs, as well as the Auditor General's Office in the Province as Makhado Local Municipality's demonstration of municipal performance to its community, as purported in terms of Section 121 of the Local Government: Municipal Finance Management Act, 2003.

OversightReportMarch2017_itm

(MM)

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7.3 Resolution of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): March 2017

426th Executive Committee meeting held on 23 March 2017

(REMARK: Items B.1.02.02.17 to B.4.02.02.17; B.5.16.02.17 to B.7.16.02.17; B.8.09.03.17 to B.11.09.03.17, B.12.23.03.17 and B.14.23.03.17 will be considered at the 82nd Council meeting to be held on 26 April 2017)

ITEM B.13.23.03.17

**PERFORMANCE MANAGEMENT: ADJUSTED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLANS 2016/17
(10/1/4/1; 10/1/2)**

RESOLVED B.13.23.03.17 (EXECUTIVE COMMITTEE)

THAT Council takes note of the Adjusted Service Delivery and Budget Implementation Plan for the 2016/17 financial year in line with the Adjusted Budget 2016/2017. (MM)

AdjustedSDBIP2016-2017_itm

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The meeting was closed and adjourned at 15:27.

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 April 2017.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_119