

MAKHADO LOCAL MUNICIPALITY
OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE VIRTUAL ONE HUNDRED AND FIFTY SIXTH (156th) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS SCHEDULED FOR 30 NOVEMBER 2020 THEN POSTPONED AND HELD ON MONDAY, 14 DECEMBER 2020 AT 12:00.

PRESENT

Councillors

BABADU, TM	MATHALISE, L G
BALIBALI, T	MATUMBA, A
BALOYI, R S	MBOYI, M D
BULALA, S I	MOGALE, L B
CHILILO, N F	MOHLABA, T J
DAVHANA, N D	MOKGOADI, M R
DU PLOOY, A	MUKHARI, M F
FURUMELA, M G	MULEFU, M E
GABARA, M J	MUNYAI, N
JONES, N B	MUNYAI, N S
KHODOGA, J	MUSANDIWA, P N
KUTAMA, T	NDOU, M D
LUDUVHUNGU, V S	NDOU, M N
MACHETE, M S	NEMUDZIVHADI, N S
MADULA, S	NETHULWE, M F
MADUWA, E	NYELISANI, S S
MADUWA, L G	PHOSHOKO, M G
MADZHIGA, F N	RALIPHADA, R
MAGADA, M R	RAMAVHOYA, K S
MAINGO, R T	RAMUSHAVHA, M G
MALANGE, T M	SESHOKI, T
MALIMA, M E	SIMANGWE, N J
MALIVHA, N V	SITHI, E T
MALULEKE, K M	TSHIBVUMO, G
MARAGA, T A	TSHILAMBYANA, M S
MASENGANA, M L	
MASUKA, S	
MASUTHA, L G	

Officials

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

Traditional Leaders

None

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1. OPENING

The Speaker, Cllr L B Mogale ruled that a moment of silence be observed for meditation and prayer, where after she declared the meeting officially opened and welcomed everyone present.

She expressed that Councillors be reminded of the Municipality's Vision and Mission as follows:

Vision: *"A dynamic hub for socio-economic development by 2050"*

Mission: *"To ensure effective utilization of economic resources to address socio-economic imperatives through mining, agriculture and tourism"*

2. NOTICE OF THE MEETING

The Speaker confirmed that all members had received notice of the virtual meeting, i.e. by sms and by e-mail.

3. OFFICIAL ANNOUNCEMENTS

3.1 The Speaker, Cllr L B Mogale announced that her Office received a letter dated 30 October 2020 informing that the MEC of Coghsta, Limpopo had received an appeal from Cllr T P Mamorobela against the Council Resolutions taken about her. Office of the Speaker then furnished written representation to the MEC's Office to confirm, set aside or vary the resolution taken by Council, after having considered the appeal. The outcome of the MEC's Office is currently awaited.

3.2 The Speaker, Cllr L B Mogale announced that the Independent Electoral Commission (IEC) scheduled 5 and 6 December 2020 for voters' registration for the by-election in Ward 38 after the passing of the late Cllr A G Rashamuse. By-election will be held on 3 February 2021.

3.3 The Speaker, Cllr L B Mogale announced that this being our last Council meeting for 2020, Councillors are reminded to sanitize, keep safe social distance, wear masks as per the Disaster Regulations. She also wished all Councillors, employees and their families a Merry Christmas and a Prosperous New year.

3.4 Cllr G Tshibvumo of Democratic Alliance Party wished all Councillors and administration a joyous Christmas and a prosperous New Year.

3.5 Cllr T A Maraga of Economic Freedom Fighters Party wished a happy Christmas to residents of Makhado Municipality.

3.6 Cllr M E Malima of Congress of the People Party wished all Councillors and administration of Makhado Municipality a happy Christmas and prosperous New Year.

3.7 Cllr N S Munyai of African National Congress Party wished all Councillors all the best, Management and residents of Makhado Municipality a happy Christmas and prosperous New Year.

4. 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 Order, 2016 published under Provincial Gazette Notice no. 2736 dated 29 July 2016 in respect of the virtual Special Council meeting held on 14 December 2020 to Cllr T D Mukwevho.

REMARK:

- 2.1 Cllrs T E Dzivhani, B F Hlungwane, B K Jones, J Lukheli, N Kutama, T C Mamafha, T J Mamafha, T P Mamorobela, M A Mashamba, K Maphubu, M J Mpashe, S Z Mthombeni, G T Mukwevho, M C Nematandani, D Rashikuni, M A Selapyana, S M Sinyosi, T E Tambani, S S Tshifura and L R Tshiambwa did not participate in the meeting.
- 2.2 Khosi T G Muila, Hosi S T Mukhari, Khosi V C Ramabulana, Hosi H S Mukhari, Khosi N T L Mashamba, Khosi P V Kutama, Khosi P Netsianda, Khosi R H Sinthumule, Khosi F Molema and Khosi M M Mphephu did not participate in the meeting.
- 2.3 One vacancy existed with the passing away of Cllr A G Rashamuse on 9 November 2020.

5. **REPORT OF THE EXECUTIVE COMMITTEE AND SECTION 79 COMMITTEES****(a) Recommendations of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): November & December 2020**

524th Executive Committee meeting held on 26 November 2020

525th Executive Committee meeting held on 10 December 2020

526th Executive Committee meeting held on 14 December 2020

(b) Recommendations of the Section 79 Oversight Committees in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): November & December 2020

76th Section 79 Oversight Committee: Corporate Services meeting: 26 November 2020

77th Section 79 Oversight Committee: Corporate Services meeting: 10 December 2020

ITEM A.129.14.12.20 (originally A.129.26.11.20)**PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR CORPORATE SERVICES (5/1/2/10; 5/6/4)****REMARK:**

When this matter was considered the Speaker requested all Acting Directors to recuse themselves from the meeting which they did. The Acting Directors returned again to the meeting when the matter was concluded.

RESOLVED A.129.14.12.20 (COUNCIL)

1. THAT subject to the approval of the MEC for Cooperative Governance, Human Settlement and Traditional Affairs, Limpopo the Manager: Office of the Speaker, Mr S G Maguga be designated to act for a further period in the capacity as Director Corporate Services, commencing retrospective from 1 November 2020 to 31 January 2021, or such earlier date being the date which precedes the date on which a successful candidate commences duty as Director, whichever may be the earliest date. (DCS)
2. THAT application for extending the acting capacity in the vacant post of Director Corporate Services as set out in paragraph 1 above be submitted to the MEC for Cooperative Government, Human Settlement and Traditional Affairs for approval in terms of section 56(1) (b) of Local Government: Municipal Systems Act, 2003. (DCS)

3. THAT the Selection Panel for assessment and interviewing of candidates for the post of Director Corporate Services must ensure that the candidate/s which they recommend have a clear proven track record in Local Government. (DCS)

ActingDCS_itm Nov2020

ITEM A.130.14.12.20 (originally A.130.26.11.20)

**PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR COMMUNITY SERVICES
(5/1/2/10; 5/6/4)**

REMARK:

When this matter was considered the Speaker requested all Acting Directors to recuse themselves from the meeting which they did. The Acting Directors returned again to the meeting when the matter was concluded.

RESOLVED A.130.14.12.20 (COUNCIL)

1. THAT subject to approval by the MEC for Cooperative Governance, Human Settlement and Traditional Affairs, Limpopo the Manager Community Services, Mr H J Lukheli be designated to act for a further period in the capacity as Director Community Services, commencing with retrospective effect of 16 October 2020 to 15 January 2021, or such earlier date which precedes the date on which a successful candidate commences duty as Director, whichever may be the earliest date. (DCS)
2. THAT application for extending the acting capacity in the vacant post of Director Community Services as set out in paragraph 1 above be submitted to the MEC for Cooperative Government, Human Settlement and Traditional Affairs for approval in terms of section 56(1) (b) of Local Government: Municipal Systems Act, 2003. (DCS)
3. THAT the Selection Panel for assessment and interviewing of candidates for the post of Director Community Services must ensure that the candidate/s which they recommend have a clear proven track record in Local Government. (DCS)

ActingDCOMS_itm (Nov2020)

ITEM A.131.14.12.20 (originally A.131.26.11.20)

**PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR DEVELOPMENT
PLANNING
(5/1/2/10; 5/6/4)**

REMARK:

When this matter was considered the Speaker requested all Acting Directors to recuse themselves from the meeting which they did. The Acting Directors returned again to the meeting when the matter was concluded.

RESOLVED A.131.14.12.20 (COUNCIL)

1. THAT it be approved that the Manager Local Economic Development, Mr RV Phalanndwa be designated to act for a further period of three months as Director Development Planning, with retrospective effect of 1 November 2020 until 31 January 2021 or such earlier date being the date preceding the date on which an incumbent may commence duty in the vacant post, whichever may be the earliest date. (DCS)
2. THAT application for extending the acting capacity in the vacant post of Director Development Planning as set out in paragraph 2 above be submitted to the MEC for Cooperative Government, Human Settlement and Traditional Affairs for approval in terms of section 56(1) (b) of Local Government: Municipal Systems Act, 2003. (DCS)
3. THAT the Selection Panel for assessment and interviewing of candidates for the post of Director Development Planning must ensure that the candidate/s which they recommend have a clear proven track record in Local Government. (DCS)

ActingDDP_itm Nov2020

ITEM A.132.14.12.20 (originally A.132.26.11.20)**PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR TECHNICAL SERVICES (5/3/4/5/23; 5/6/4)****REMARK:**

When this matter was considered the Speaker requested all Acting Directors to recuse themselves from the meeting which they did. The Acting Directors returned again to the meeting when the matter was concluded.

RESOLVED A.132.14.12.20 (COUNCIL)

1. THAT it be approved that the Manager Civil Engineering, Mr M G Ralishuku be designated to act for a further period of three (3) months in the capacity as Director Technical Services, commencing with effect of 1 December 2020 until 28 February 2021, or such earlier date which precedes the date on which a successful candidate commences duty as Director, whichever may be the earliest date. (DCS)
2. THAT application for extending the acting capacity in the vacant post of Director Technical Services as set out in paragraph 1 above be submitted to the MEC for Cooperative Governance, Human Settlement and Traditional Affairs for approval in terms of section 56(1) (b) of Local Government: Municipal Systems Act, 2003. (DCS)
3. THAT the Selection Panel for assessment and interviewing of candidates for the post of Director Technical Services must ensure that the candidate/s which they recommend have a clear proven track record in Local Government. (DCS)

ActingDTS_itm Nov 2020

ITEM A.133.14.12.20 (originally A.133.26.11.20)**PERSONNEL: CLOSING OF MUNICIPAL OFFICES DURING FESTIVE SEASON 2020/2021 (5/6/4)****RESOLVED A.133.14.12.20 (COUNCIL)**

1. THAT the closure of all municipal offices for the 2020/21 festive season be approved as follows -
 Thursday, 24 December 2020 at 12:00
 Thursday, 31 December 2020 at 12:00
 Public Library Services will close on Saturday of 19 and 26 December 2020 as well as the
 Saturday of 2 January 2020. (DCOMS)

2. THAT the early closure of Municipal offices as set out in paragraph 1 above is subject to the following conditions:
 - 2.1 The Acting Director Community Services must compile a management plan for disaster, emergency and traffic services during the festive season and the 24/7 Municipal Call Centre must be fully functional.
 - 2.2 Proper notice of the closure must be published in the local media and notices displayed at strategic points in good time in order to inform members of public accordingly.
 - 2.3 All emergency and stand-by municipal services will continue uninterrupted as is the case in regard to all other public holidays and during week-ends.
 - 2.4 The 24/7 Municipal Call Centre must have two (2) call centre attendants on duty for every shift.
 - 2.5 A proposed plan on how to deal with disaster issues during this time must be submitted to the Municipal Manager. (DCOMS)

ClosingOffices2020_itm

ITEM A.134.14.12.20**PERSONNEL: CONSIDERATION OF THE SELECTION COMMITTEE REPORT OF THE VACANT POSITION OF DIRECTOR CORPORATE SERVICES (5/3/B, 5/3/4/3)****RESOLVED A.134.14.12.20 (COUNCIL)**

1. THAT Council takes note that all five qualifying candidates for the position of Director Corporate Services were male. (DCS)

2. THAT Council approves the Selection Committee's recommendation that the position of Director Corporate Services be re-advertised as all shortlisted candidates were male and should the Panel continue to interview the outcome can have a negative impact on the Council's approved Employment Equity Target Plan. (DCS)

3. THAT Council approves the Selection Panel for Director Corporate Services as follows:
 - 3.1 The Municipal Manager as Chairperson.
 - 3.2 A member of the Executive Committee, or Portfolio Councillor of Corporate Services.
 - 3.3 At least one external person with experience on the advertised post.
 - 3.4 A Municipal Manager from another Municipality. (DCS)

4. THAT the advertisement must clearly stipulate that applicants must have a clear track record in Local Government in line with the provisions of competency in the Regulations on Appointment of Senior Managers, 2014 under the Local Government: Municipal Systems Act, 2000. (DCS)

5. THAT the advertisement be made available to the Executive Committee for their scrutiny before it is processed for publication in the media. (DCS)

SelectionReportDCS_itm

ITEM A.135.14.12.20

PERSONNEL: CONSIDERATION OF THE SELECTION PANEL REPORT OF THE VACANT POSITION OF DIRECTOR DEVELOPMENT AND PLANNING (5/3/B, 5/3/4/3)

RESOLVED A.135.14.12.20 (COUNCIL)

1. THAT Council take note that the Selection Panel could not find suitable qualified candidates for the position of Director Development and Planning. (DCS)

2. THAT Council approves the Selection Panel's recommendation that the position of Director Development and Planning be re-advertised as fully recorded in the Selection Panel report attached as Annexure B to the report in this regard. (DCS)

3. THAT Council approves the Selection Panel for Director Development and Planning as follows:
 - 3.1 The Municipal Manager as Chairperson.
 - 3.2 A member of the Executive Committee, or Portfolio Councillor of Development Planning.
 - 3.3 At least one external person with experience on the advertised post.
 - 3.4 A Municipal Manager from another Municipality. (DCS)

4. THAT the advertisement must clearly stipulate that applicants must have a clear track record in Local Government in line with the provisions of competency in the Regulations on Appointment of Senior Managers, 2014 under the Local Government: Municipal Systems Act, 2000. (DCS)

5. THAT the advertisement be made available to the Executive Committee for their scrutiny before it is processed for publication in the media. (DCS)

SelectionReportDDP_itm

ITEM A.136.14.12.20**PERSONNEL: CONSIDERATION OF THE SELECTION PANEL REPORT OF THE VACANT POSITION OF DIRECTOR TECHNICAL SERVICES (5/3/B, 5/3/4/3)****RESOLVED A.136.14.12.20 (COUNCIL)**

1. THAT Council takes note that the selection panel noted that all qualifying candidates for the position of Director Technical Services were male. (DCS)
2. THAT Council approves the Selection Panel's recommendation that the position of Director Technical Services be readvertised as fully recorded in the Selection Panel report attached as Annexure C to the report in this regard as all shortlisted candidates were male and should the Panel continue to interview the outcome can have a negative impact on the Council's approved Employment Equity Target Plan. (DCS)
3. THAT Council approves the Selection Panel for Director Technical Services as follows:
 - 3.1 The Municipal Manager as Chairperson.
 - 3.2 A member of the Executive Committee, or Portfolio Councillor of Technical Services.
 - 3.3 At least one external person with experience on the advertised post.
 - 3.4 A Municipal Manager from another Municipality. (DCS)
4. THAT the advertisement must clearly stipulate that applicants must have a clear track record in Local Government in line with the provisions of competency in the Regulations on Appointment of Senior Managers, 2014 under the Local Government: Municipal Systems Act, 2000. (DCS)
5. THAT the advertisement be made available to the Executive Committee for their scrutiny before it is processed for publication in the media. (DCS)

SelectionReportDTS_itm

- (c) **Resolutions of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): November & December 2020**

None

- (d) **Recommendation of the Section 79 Standing Committee: MPAC in terms of section 59 (1) of the Local Government: Municipal System Act, 2000 (Act 32 of 2000): November 2020**

ITEM A.137.14.12.20**MPAC: FINANCE: IN YEAR MONITORING AND REPORTING: 1st QUARTER: 2020/2021 FINANCIAL YEAR (6/1/1(2020/21)****RESOLVED A.137.14.12.20 (COUNCIL)**

1. THAT calculations referred to during discussions must be corrected. (CFO)

2. THAT the Accounting Officer must also reconsider the needs of those departments who are on zero expenditure during the mid-year. (CFO)
3. THAT the Municipality must continue implementing current collection methods. (CFO)
4. THAT the Municipality must achieve all targets to improve service delivery. (CFO)
5. THAT the reasons for failure to achieve the targets must be outlined so that public will be aware of the reasons and challenges faced. (ALL DIRS)
6. THAT if the budgeted income is available, implementation must be done in 2nd and 3rd quarter since Covid 19 rules have been relaxed. (CFO)
7. THAT Municipality must write off all households debts which are more than three (3) years. (CFO)
8. THAT Council delegate MPAC together with finance Chairperson to have a meeting with MPAC Vhembe District Municipality and management to deal with the of R87 million debts. (CFO)
9. THAT the Municipality must avoid cut and paste on their report. (ALL DIRS)

MPACMonitoringQ1 2020_itm Revised Kent Updated CFO

ITEM A.138.14.12.20

MPAC: REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS – QUARTER 1: 2020/21 FINANCIAL YEAR (10/1/6/1)

RESOLVED A.138.14.12.20 (COUNCIL)

1. THAT note be taken of the status of Council Resolutions implementing in Quarter 1 of the 2020/2021 financial year and that management must implement all Council resolutions in time to avoid delay in service delivery. (DCS)
2. THAT Ethics Committee must implement Council Resolutions. (DCS)
3. THAT Council delegate MPAC to have meeting with MPAC Collins Chabane Local Municipality and management to finalize the signing of the Memorandum of Understanding about assets transfer to LIM 345. (DCS)

MPACCouncilResolutionImplementationQ1-2020-2021_itm

ITEM A.139.14.12.20

**MPAC: FINANCES: ASSESSMENT OF PERFORMANCE OF CONTRACTED SERVICE PROVIDERS: QUARTER 1: 2020/21 FINANCIAL YEAR
(10/1/5/2)**

RESOLVED A.139.14.12.20 (COUNCIL)

THAT the Municipality must properly select service providers in order to enjoy good and quality service; that those service providers rated on -scale 1 and 2 must not be given another chance, unless the problem of bad services was caused by the Municipality. (CFO)

MPACAssessmentQ1ServiceProviders_itm

ITEM A.140.14.12.20

**MPAC: FINANCE: PROCUREMENT: CLAUSE 36: DEVIATIONS FOR 30 SEPTEMBER 2020
(10/1/5/2)**

RESOLVED A.140.14.12.20 (COUNCIL)

THAT the Accounting Officer must make all supporting documents available to the MPAC coordinator related to the following items:

1. Item 1: Publishing of tariffs, order no. 47541
2. Item 8: Disinfection of Municipal buildings, no order number
3. Item 9: Supply and delivery of sanitizers, no order number
4. Item 10: Repair of braking system amounting R290,762,67
5. Item 23: Replacing circle tip, hanger, braker cylinders and swivel for Grader CND 568L
6. Item 11: Supply of masks, no order number
7. Item 49: Assets Management Support (preparation of Grap compliant assets register) (CFO)

MPACDeviations30September2020_itm

ITEM A.141.14.12.20

**MPAC: PERFORMANCE MANAGEMENT: FIRST QUARTER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN REPORT: 2020/21 FINANCIAL YEAR
(10/1/4/1 – 10/1/4/8)**

RESOLVED A.141.14.12.20 (COUNCIL)

THAT PMS section must re-do their calculations and submit it anew to Council. (DTS)

MPACSDBIPQuarter1_itm

REMARK:

Due to the urgency of the matters as provided for in clause 8 of the Rules of Order, 2016 of Council, the following two matters did not follow normal decision-making process and is tabled directly at the Special Council meeting, subject to the ruling of the Speaker.

ITEM A.142.14.12.20**ALLEGATION ON BREACH OF CODE OF CONDUCT FOR COUNCILLOR TP
MAMOROBELA
(3/4/3)****REMARK:**

When this matter was considered the Speaker requested Cllr T P Mamorobela to recuse herself from the virtual meeting.

RESOLVED A.142.14.12.20 (COUNCIL)

1. THAT the Ethics Committee be appointed to investigate the facts and circumstances of the alleged breach of Code of Conduct by Cllr T P Mamorobela. (DCS)
2. THAT the Ethics Committee must submit the outcome of the investigation of the alleged breached of misconduct to Council within the period of three months from the date of the Council Resolution.
BreachCllrMamorobela_itm (DCS)

ITEM A.143.14.12.20**ALLEGATION ON BREACH OF CODE OF CONDUCT FOR COUNCILLOR A MATUMBA
(3/4/3)****REMARK:**

When this matter was considered the Speaker requested Cllr A Matumba to recuse himself from the virtual meeting.

RESOLVED A.143.14.12.20 (COUNCIL)

1. THAT the Ethics Committee be appointed to investigate the facts and circumstances of the alleged breach of Code of Conduct by Cllr A Matumba. (DCS)
2. THAT the Ethics Committee must submit the outcome of the investigation of the alleged breach of misconduct to Council within the period of three months from the date of the Council Resolution. (DCS)
BreachCllrMatumba_itm

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The meeting was closed and adjourned at 13:20.

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 28 January 2021.