

MAKHADO LOCAL MUNICIPALITY
OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE VIRTUAL ONE HUNDRED AND FIFTY SEVENTH (157th) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 25 FEBRUARY 2021 AT 12:00.

PRESENT

Councillors

BABADU, TM
 BALIBALI, T
 BALOYI, R S
 CHILILO, N F
 DAVHANA, N D
 DU PLOOY, A
 DZIVHANI T E
 FURUMELA, M G
 GABARA, M J
 HLONGWANI, B F
 JONES, K B
 KHODOGA, J
 KUTAMA, N
 LUDUVHUNGU, V S
 MACHETE, M S
 MADULA, S
 MADUWA, E
 MADUWA, L G
 MADZHIGA, F N
 MAGADA, M R
 MAINGO, R T
 MALANGE, T M
 MALIMA, M E
 MALIVHA, N V
 MALULEKE, K M
 MAMAFHA, T C
 MAMAFHA, T J
 MAMROBELA, T P
 MAPHUBU, K
 MARAGA, T A
 MASENGANA, M L
 MASUKA, S
 MASUTHA, L G

MATHALISE, L G
 MATUMBA, A
 MBOYI, M D
 MOGALE, L B
 MOHLABA, T J
 MOKGOADI, M R
 MTHOMBENI, S Z
 MUKWEVHO, G T
 MUKWEVHO, T D
 MUKHARI, M F
 MULEFU, M E
 MUNYAI, N
 MUNYAI, N S
 MUSANDIWA, P N
 NDOU, M D
 NDOU, M N
 NEMUDZIVHADI, N S
 NETHULWE, M F
 NYELISANI, S S
 RALIPHADA, R
 RAMAVHOYA, K S
 RAMUSHAVHA, M G
 RATSHIKUNI, D
 SELAPYANA, M A
 SIMANGWE, N J
 SINYOSI, S M
 TAMBANI, T E
 TSHIAMBWA, L R
 TSHIBVUMO, G
 TSHILAMBYANA, M S

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)
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, by e-mail, and hard copy format.

3. OFFICIAL ANNOUNCEMENTS

3.1 The Speaker, Cllr L B Mogale announced that the Chairperson of the Ethics Committee requested an extension of time until 14 May 2021 to report the final outcome of matters regarding Cllr T P Mamorobela and Cllr A Matumba, respectively. This request was because of other court processes that were not yet concluded.

3.2 The Speaker, Cllr L B Mogale announced that one of Municipality's employees in the Electrical Services Division, Ms Olwin Kutama, had passed away on 24 February 2021 when a workplace accident occurred.

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 25 February 2021 to Cllr T Seshoki.

REMARK:

4.1 Cllrs S I Bulala, T E Dzivhani, N B Jones, M J Mpashe, T Kutama, M C Nematandani, M G Phoshoko, M A Mashamba, E T Sithi and Cllr S S Tshifura were absent from the meeting.

4.2 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 F Molema and Khosi M M Mphphu did not participate in the meeting.

4.3 One vacancy existed with the passing away of Cllr A G Rashamuse on 9 November 2020.

4.4 One vacancy existed with the passing away of Khosi R H Sinthumule.

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): February 2021

529th Executive Committee meeting held on 18 February 2021

530th Executive Committee meeting held on 25 February 2021

(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): February 2021

79th Section 79 Oversight Committee: Corporate Services meeting: 22 February 2021

54th Section 79 Oversight Committee: Finance meeting: 23 February 2021

46th Section 79 Oversight Committee: Development Planning meeting: 22 February 2021

32nd Section 79 Oversight Committee: Technical Services: 22 February 2021

28th Section 79 Oversight Committee: Community Services: 23 February 2021

ITEM A.12.25.02.21

COUNCIL COMMITTEES: REPLACEMENT OF SECTION 79 STANDING COMMITTEE CHAIRPERSONS FOR WOMEN, AND THE RULES COMMITTEE, AND CHAIRPERSONS OF SECTION 79 OVERSIGHT COMMITTEE FINANCE AND DISASTER, MORAL REGENERATION, SPORTS, ARTS AND CULTURE COMMITTEE

(4/1/B)

REMARK: When this matter was considered Cllr T Balibali proposed, duly seconded by Cllr M E Mulefu that Cllr M S Tshilambyana be designated to be the Chairperson of Women Caucus, and Cllr M E Mulefu be designated to be the Chairperson of Standing Rules Committee, Cllr K M Maluleke be designated to be the Chairperson of Section 79 Oversight Committee Finance, and Cllr M J Gabara be designated to be the Chairperson of Section 79 Oversight Committee Disaster, Moral Regeneration, Sports, Arts and Culture. The proposal was accepted in general and recorded as Council Resolution herein below.

RESOLVED A.12.25.02.21 (COUNCIL)

1. THAT the Speaker of Council, Cllr L B Mogale be substituted for Cllr M S Tshilambyana to be the Chairperson of the Woman Caucus Committee with effect of 25 February 2021. (DCS)
2. THAT the Chairperson of Section 79 Standing Committee Rules, Cllr N S Munyai be substituted for Cllr M E Mulefu to be the Chairperson of the Rules Committee with effect of 25 February 2021. (DCS)
3. THAT the Chairperson of Section 79 Oversight Committee Finance, Cllr M R Magada be substituted for Cllr K M Maluleke as the Chairperson of the Section 79 Oversight Committee Finance with effect of 25 February 2021. (DCS)
4. THAT the Chairperson of Section 79 Standing Committee Disaster, Moral Regeneration, Sports, Arts and Culture, Cllr M S Machete be substituted for Cllr M J Gabara to be the Chairperson of Section 79 Oversight Committee Disaster, Moral Regeneration, Sports, Arts and Culture with effect of 25 February 2021. (DCS)
5. THAT the Acting Chief Financial Officer remunerate the newly designated Chairpersons of the Section 79 Standing Committee for Women Caucus, and Rules Committee together with Chairperson of Section 79 Oversight Committee Finance and Disaster, Moral Regeneration, Sports, Arts and Culture in accordance with Government Notice No 1426 (Department of Co-Operative Governance And Traditional Affairs) of 21 December 2018 which promulgated the Determination of Upper Limits, Salaries and Benefits of Different Members of Municipal Councils as published in Government Gazette No 42134 dated 21 December 2018. (DCS)

ITEM A.13.25.02.21**PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR TECHNICAL SERVICES
(55/3/4/5/23; 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.13.25.02.21 (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 March 2021 until 31 May 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)

ActingDTS_itm Feb 2021

ITEM A.14.25.02.21 (originally A.14.28.01.21)**COUNCIL COMMITTEES: APPOINTMENT OF COUNCILLORS WITHOUT PORTFOLIOS
IN SECTION 79 COMMITTEES
(4/1/B)**

REMARK: When this matter was considered Cllr T Balibali proposed duly seconded by Cllr T J Mohlaba that Cllr M L Masengane be a member of Section 79 Oversight Committee Disaster, Moral regeneration, Sports, Arts and Culture. The proposal was accepted in general and recorded as Council Resolution herein below.

RESOLVED A.14.25.02.21 (COUNCIL)

1. THAT Cllr R S Baloyi be appointed as a member of the Section 79 Oversight Committee: Special Programmes in the place of the late Cllr J P Underwood who passed away on 4 November 2016, and that Cllr S M Sinyosi be appointed in the Section 79 Standing Committee: Rules as a member because she was not member of a Portfolio Committee; and that the two respective Section 79 Committees composed by Council Resolutions A.161.14.10.16 and A.94.31.08.20 therefor forthwith be composed as follows:

5.1 SECTION 79 OVERSIGHT COMMITTEES

NO.	PORTFOLIO COMMITTEE	CHAIRPERSON AND MEMBERS
7	SPECIAL PROGRAMMES	1. MATHALISE L M (CHAIRPERSON) 2. BALOYI R S 3. MUKHARI M F 4. MASUTHA L G 5. NYELISANI S S 6. MADUWA L G 7. MASHAMBA M A 8. FURUMELE M G (<i>replaces M J Mpashe, CR A.103.31.07.18</i>) 9. PHOSHOKO M G 10. HLONGWANE B F

5.2 SECTION 79 STANDING COMMITTEES

3	RULES	1. MUNYAI N S (CHAIRPERSON) 2. RAMAVHOYA K S 3. HLONGWANE B F 4. MAPHUBU K 5. RASHAMUSE A G 6. SIMANGWE J N 7. BALIBALI T 8. BULALA S I 9. SINYOSI, S M 10. MADULA S
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(DCS)

2. THAT Cllr M L Masengane be appointed as member of the Section 79 Oversight Committee Disaster, Moral Regeneration, Sports, Arts and Culture. (DCS)

AmendSect79Committees(2021)_itm

ITEM A.15.25.02.21

**FINANCES: ADJUSTMENT BUDGET: 2020/21 FINANCIAL YEAR
(6/1/1(2020/21))**

RESOLVED A.15.25.02.21 (COUNCIL)

- THAT the 2020/21 Annual Budget be adjusted in February 2021 in terms of Section 28 of the Local Government: Municipal Finance Management Act, 2003. (CFO)
- THAT the 2020/2021 Adjustment Budget be submitted to the National and the Provincial Treasury and Coghsta, Limpopo. (CFO)
- THAT the Council take note of the Adjustment Budget for Income and Expenditure projections for the financial year ending 30 June 2021, as more fully explained in Annexure A and Annexure B (Capital Expenditure breakdown) attached to the report in this regard. (CFO)
- THAT Council take note that depreciation and debt impairment provision was taken into consideration which are non-cash items amounting R 166 224 million. (CFO)

AdjustmentBudget2020-21_itm

ITEM A.16.25.02.21**PERSONNEL: SUBMISSION OF ADVERTISEMENT FOR VACANT POSTS:**

- a) **DIRECTOR CORPORATE SERVICES**
- b) **DIRECTOR DEVELOPMENT PLANNING**
- c) **DIRECTOR TECHNICAL SERVICES**

(5/3/B, 5/3/4/3)

RESOLVED A.16.25.02.21 (COUNCIL)

THAT recruitment of candidates in the vacant posts of Section 56 Managers be deferred to the Council to be elected in 2021, for their consideration. (DCS)

AdvertisementDirectors_itm

ITEM A.17.25.02.21**PROPOSED HOUSING DEVELOPMENT: HOUSING UNITS AND AREAS FOR 2021/2022 FINANCIAL YEAR**

(17/20 & 17/4/1)

RESOLVED A.17.25.02.21 (COUNCIL)

1. THAT Council takes note of the housing allocations letter from the MEC of COGHSTA dated 12 January 2021. (DDP)
2. THAT Council note the allocation of the outstanding 220 housing units and the following development areas as follows:

WARD	VILLAGES/ AREA	NO. OF UNITS
3	Maboho	5
	Muongamunwe	10
	Tshivhazwaulu	10
7	Tshikota	84
	Sikuwyani	5
15	Shikuhele	6
	Waterval Township	6
27	Tsianda	20
	Ha-mutsha	20
33	Dzanani	10
	Siloam	10
35	Pfumbada	7
36	Maname Paradise	7
37	Makushu	5
	Pfumembe	5

(DDP)

3. THAT once the MEC has taken a decision on the matter, it be regarded as final and binding as the irregular changing of development areas by Ward Councillors has the potential to disrupt the Municipal IDP resulting in Auditor-General queries. (DDP)

4. THAT the Municipality request the Minister of Coghsta for extra 1000 housing units to cater for community affected by current floods. (DDP)

ProposedRDPHousing_itm

ITEM A.18.25.02.21

COUNCIL LAND: PROPOSED ALIENATION OF HUNDRED AND SIXTY-SEVEN (167) RESIDENTIAL ERVEN SITUATED IN TSHIKOTA EXTENSION 1 TOWNSHIP (7/3/2/1)

RESOLVED A.18.25.02.21 (COUNCIL)

THAT the alienation of hundred and sixty-seven (167) residential erven situated in Tshikota Extension 1 Township 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 approved alienation of Hundred and sixty-seven (167) residential erven situated in Tshikota Extension 1 Township be advertised in one (1) of the local newspapers, for any objections.
2. The hundred and sixty-seven (167) residential erven situated in Tshikota Extension 1 Township be disposed through open public auction method expedited by the Supply Chain Management Division.
3. The purchaser shall not attempt to sell the properties before the purchase price is paid to the seller.
4. In the event that the seller found sufficient evidence that the purchaser is selling the properties before payment is made to the seller, the agreement will be cancelled and the properties shall revert back to the seller.
5. The signing of Deed of Sale Agreement as well as the payment must be done and concluded within six months from the date of Council Resolution provided that there is no objection received during advertisement period.
6. In the event that there is an objection, the Deed of Sale and payment must be concluded within three months from the date the objection was concluded provided that the objection was not concluded within six months from the date of Council resolution as mentioned on paragraph 5 above.
7. In the event that the applicant fails to sign the Deed of Sale Agreement and make payment as mentioned above, the opportunity given must be cancelled without further notice.
8. 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.
9. In the event that the developer failed to complete the development as required under paragraph 8 above, the property must be revert back to Council without compensation by the Municipality to the developer for any improvements on the property.

10. The standard conditions for the sale of Municipality Land will further apply.
11. As on every other auction all the formal registration and transfer transactions of hundred and sixty-seven (167) residential erven situated in Tshikota Extension 1 Township be passed by the Auctioneers Attorneys and Conveyancers.
12. 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.
13. 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.
14. Funds generated be ring-fenced and be used for the provision of engineering services projects in residential erven in Tshikota Extension 1 township.
15. No stands will be sold below the value as determined by Municipality's professional valuer.
16. The estimated income of sales of erven for Tshikota is R12 742 900.00.
17. The approval is further subject to the following conditions:
 - 17.1. **Electricity** : Electricity to be supplied by Makhado Local Municipality
 - 17.2. **Water and Sewer** : There is provision of water and sewer already catered for by Coghsta.
 - 17.3. **Property Rates** : The land owner must pay all property rates due to the Municipality at the end of the month commencing in which the property was sold to the purchaser. (DDP)

Sale167ErvenTshikota_itm

ITEM A.19.25.02.21

COUNCIL LAND: PROPOSED ALIENATION OF SEVEN HUNDRED (700) RESIDENTIAL ERVEN SITUATED SOUTH OF PRETORIUS, LOUIS TRICHARDT TOWNSHIP (7/3/2/1)

RESOLVED A.19.25.02.21 (COUNCIL)

THAT the alienation of seven hundred (700) residential erven situated South of Pretorius, Louis Trichardt Township 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 approved alienation of Seven Hundred (700) residential erven situated South of Pretorius be advertised in one (1) of the local newspapers, for any objections.
2. The seven hundred (700) residential erven situated South of Pretorius be disposed through open public auction method expedited by the Supply Chain Management Division.
3. The purchaser shall not attempt to sell the properties before the purchase price is paid to the seller.
4. In the event that the seller found sufficient evidence that the purchaser is selling the properties before payment is made to the seller, the agreement will be cancelled and the properties shall revert back to the seller.

5. The signing of Deed of Sale Agreement as well as the payment must be done and concluded within six months from the date of Council resolution provided that there is no objection received during advertisement period.
6. In the event that there is an objection, the Deed of Sale and payment must be concluded within three months from the date the objection was concluded provided that the objection was not concluded within six months from the date of Council resolution as mentioned on paragraph 5 above,
7. In the event that the applicant fails to sign the Deed of Sale agreement and make payment as mentioned above, the opportunity given must be cancelled without further notice.
8. The property must be developed within three years (3) years from the date of signing the Deed of Sale, provided that Council may allow an extension of a further two (2) years.
9. In the event that the developer/buyer failed to complete the development as required under paragraph 8 above, the property must revert back to Council without compensation by the Municipality to the developer for any improvements on the property.
10. The standard conditions for the sale of Municipal Land will further apply.
11. As on every other auction all the formal registration and transfer transactions of Seven Hundred (700) residential erven situated South of Pretorius be passed by the Auctioneers , Attorneys and Conveyancers.
12. 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.
13. 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.
14. Funds generated be ring-fenced and be used for the provision of engineering services projects in residential erven situated South of Pretorius street.
15. No stands will be sold below the value as determined by Municipality's professional valuer.
16. The estimated income of sales of erven South of Pretorius is R130 582 000.00.
17. The approval is further subject to the following conditions:
 - 17.1. **Electricity** : Electricity to be supplied by Makhado Local Municipality
 - 17.2. **Water and Sewer** : There is provision of water and sewer already catered for by Coghsta.
 - 17.3. **Property Rates** : The land owner must pay all property rates due to the Municipality at the end of the month commencing in which the property was sold to the purchaser. (DDP)

Sale700ervenLTT_itm

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- (c) **Resolutions of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): February 2021**

ITEM B.1.18.02.21 (originally B.1.25.02.21)

**REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS –
QUARTER 2: 2020/21 FINANCIAL YEAR
(10/1/6/1)**

RESOLVED B.1.18.02.21 (EXECUTIVE COMMITTEE)

1. THAT note be taken of the progress with implementing Council Resolutions in respect of meetings held during Quarter 2 of the 2020/2021 financial year, as well as the summary of previous terms' Resolutions not yet implemented, as more fully set out in Annexure A attached to the report in this regard. (DCS)

2. THAT with reference to the undeveloped portion of Louis Trichardt Extension 9 Township West of the N1-National Road, the Technical Department must proceed to install services in the 2021/2022 financial year. (DTS)

CouncilResolutionImplementationQ2-2020-2021_itm

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The meeting was closed and adjourned at 14:29.

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 29 April 2021.

CHAIRPERSON