

# MAKHADO LOCAL MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND THIRTEENTH (113<sup>th</sup>) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON WEDNESDAY, 17 AUGUST 2016 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

### PRESENT

#### Councillors

BABADU, T M	MOGALE, L B
BALIBALI, T	MOHLABA, T J
BULALA, S I	MOKGOADI, M R
CHILILO, N F	MPASHE, M J
DAVHANA, N D	MTHOMBENI, S Z
DU PLOOY, A	MUKHARI, M F
DZIVHANI, T E	MUKWEVHO, G T
FURUMELE, M G	MUKWEVHO, T D
GABARA, M J	MULEFU, M E
HLONGWANE, F B	MUNYAI, N
JONES, N B	MUNYAI, N S
KUTAMA, N	MUSANDIWA, P N
KUTAMA, T	NDOU, M D
LUDUVHUNGU, V S	NDOU, M N
LUKHELI, J	NEMATANDANI, M C
MACHETHE, 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
MAFHALA, N A	RAMAVHOYA, K S
MAGADA, M R	RAMUSHAVHA, G M
MALANGE, T M	RAPHALALANI, A A
MALIMA, M E	RASHAMUSE, A G
MALIVHA, N V	RATSHIKUNI, D
MALULEKE, K M	SELAPYANA, M A
MAMAFHA T C	SESHOKI, T
MAMAFHA, T J	SIMANGWE, N J
MAMOROBELA, T P	SINYOSI, S M
MAPHAHA, M Q	SITHI, E T
MAPHUBU, K	TAMBANI, T E
MASHAMBA, M A	TSHIAMBWA, L R
MASHAU, P	TSHIBVUMO, G
MASUKA, S	TSHIFURA, S S
MASUTHA, L G	TSHILAMBYANA, M S
MATHALISE, L M	UNDERWOOD, J P
MATUMBA, A	
MBOYI, M D	

#### Officials

I P MUTSHINYALI	(MUNICIPAL MANAGER)
M D SINTHUMULE	(DIRECTOR: DEVELOPMENT PLANNING)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
N C KHARIDZHA	(DIRECTOR: CORPORATE SERVICES)
M J KANWENDO	(DIRECTOR: COMMUNITY SERVICES)
C W MOLOKOMME	(DIRECTOR: TECHNICAL SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

**Guests**

K M MOLOKOMME	(MAGISTRATE)
K L HALONG	(SALGA REPRESENTATIVE)
HON. M P TSELI	(MEMBER OF PARLIAMENT)
H M MULAUDZI	(IEC – MEO)
T V MUDAU	(IEC)
H B MOBBIE	(IEC)
T MULONDO	(IEC)
H M MUKWEBO	(IEC)
G PHASWANA	(IEC)
M V RAMOKGOPA	(IEC)

**Members of Public**

K MAVHUNGU  
 N A MUDUNUNGU  
 M E MBEDZI  
 R F TSHINANDANE  
 B MALUWA

\* \* \* \* \*

**REMARK:** Since this was the first meeting of Council following the general municipal elections held on 3 August 2016, the Municipal Manager, Mr I P Mutshinyali acted as Chairperson of the meeting for all the business up to and including the election of a councilor in the Office of Speaker, i.e. items 1 to 4 of the Order of Business of the meeting, as well as items A.130.17.08.16 to A.133.17.08.16 of item 4. This arrangement was in terms of the provisions of the Local Government: Municipal Structures Act, No. 117 of 1998.

**1. OPENING**

The Municipal Manager, Mr I P Mutshinyali ruled that a moment of silence be observed for meditation and prayer, whereafter he declared the meeting officially opened.

**2. APPLICATION FOR LEAVE OF ABSENCE**

RESOLVED –

THAT leave of absence be granted in terms of the provisions of Rule 5 of the Council's Rules and Orders published under Provincial Gazette Notice no. 1391 dated 31 August 2007 in respect of the Special Council meeting held on 17 August 2016 to Cllr R T Maingo.

**3. OFFICIAL ANNOUNCEMENTS**

3.1 The Chairperson, Mr I P Mutshinyali announced the presence of Mr K M Molokomme, Magistrate who would officiate the swearing in of Councillors. He also announced the presence of Salga representative, Ms K L Halong and Honourable Mr M P Tseli, a member of the Parliament.

3.2 Signing of Attendance Register

The Chairperson, Mr I P Mutshinyali announced that all councillors had to sign the attendance register which was circulated. This was in accordance with the provisions of Clause 3 of the Code of Conduct for Councillors. The signing procedure was applicable for every Council meeting forthwith.

3.3 Introduction of Councillors and Officials

The Chairperson, Mr I P Mutshinyali granted opportunity to all councillors and officials to introduce themselves one after the other to the meeting by mentioning their name, surname, political party affiliation.

#### 4. MATTERS CONSIDERED:

**Resolutions of the Council in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 113<sup>th</sup> Special Council Meeting: 17 August 2016**

##### ITEM A.130.17.08.16

##### **ELECTIONS: COUNCILLORS ELECTED ON 3 AUGUST 2016 (15/1; 3/2/9)**

RESOLVED A.130.17.08.16 (COUNCIL)

THAT note be taken of the names of seventy five (75) persons that have been elected as municipal councillors with effect from 10 August 2016 in terms of the provisions of the Local Government: Municipal Structures Act, 117 of 1998, as amended for the term of office as recorded under section 24 of the Structures Act, as more fully set out in Annexure A attached to the report in this regard.

SC3AugCouncillors\_itm

(MM/ALL DIRS)

##### ITEM A.131.17.08.16

##### **ELECTIONS: OATH OF SOLEMN AFFIRMATION BY MEMBERS OF COUNCIL (3/2/9)**

##### **REMARK:**

1. Mr K M Molokomme, Magistrate was present and officiated in the swearing of Oath or Affirmation by each one of the seventy four (74) councillors.
2. The duly signed Oath or Solemn Affirmation was filed in Council's official records.

RESOLVED A.131.17.08.16 (COUNCIL)

THAT it be noted that Mr K M Molokomme, Magistrate conducted the declarations ceremony of the Oath or Solemn Affirmation during which each Councillor participated in declaring according to the following wording:

*“Oath: I swear that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other laws of the Republic of South Africa, and I solemnly promise to perform my functions and duties as a councillor of Makhado Local Municipality to the best of my ability. So help me God.”*

*Or*

*“Solemn Affirmation: I solemnly declare that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other laws of the Republic of South Africa, and I solemnly promise to perform my functions and duties as a councillor of Makhado Local Municipality to the best of my ability. I affirm”*

(DCS)

SC3AugOath\_itm

**ITEM A.132.17.08.16****COUNCIL AND COMMITTEE MEETINGS: RULES OF ORDER, 2016: CONDUCTING MEETINGS****(1/3/34/1; 4/2/1)**

RESOLVED A.132.17.08.16 (COUNCIL) -

THAT it be noted that the Rules of Order, 2016 of Makhado Local Municipality which was promulgated in Provincial Gazette No. 2736 of 29 July 2016 as published under Local Authority Notice No. 125 dated 29 July 2016, a copy of which is attached as Annexure A to this report, is the primary tool in terms of which Council and its committees conduct its business.

SC3AugRulesOrders\_itm

(DCS)

**ITEM A.133.17.08.16****ELECTIONS: ELECTION OF SPEAKER OF COUNCIL: 2016/2017 TO 2020/2021 TERM OF OFFICE****(3/3/3)**

**REMARK:** The Chairperson called for nomination of candidates to be elected in terms of the provisions of section 36 read with Schedule 3 of the Local Government: Municipal Structures Act, 17 of 1998 in the Office as Speaker of Council.

Cllr T J Mamafha proposed, duly seconded by Cllr N Kutama that Cllr L B Mogale be elected in the Office of Speaker of Makhado Local Municipality. Cllr L B Mogale accepted the nomination.

Cllr M J Mpashe proposed, duly seconded by Cllr S S Tshifhura that Cllr N A Mafhala be elected in the Office of Speaker of Makhado Local Municipality. Cllr N A Mafhala accepted the nomination.

Since two (2) nominations were received, the Chairperson, Mr I P Mutshinyali arranged that the vote be done by way of secret ballot in terms of Schedule 3 of the Structures Act by the IEC. The meeting agreed with the proposal and the vote by secret ballot were casted accordingly. The results were as follows:

For Cllr L B Mogale - a total of 55 votes

For Cllr N A Mafhala - a total of 12 votes

The Chairperson, Mr I P Mutshinyali declared Cllr L B Mogale duly elected in the Office of Speaker of Council for the term of office that will end with the next general municipal elections.

The Chairperson, Mr I P Mutshinyali congratulated Cllr L B Mogale with her election as Speaker of Council and then called her to take the chair and to officiate in the further business of the Council's agenda for the day. The Speaker took the chair accordingly and presided over the further business as Speaker of Council from this point onwards.

RESOLVED A.133.17.08.16 (COUNCIL)

THAT it be noted that Cllr L B Mogale was duly elected in terms of the provisions of section 36 read with Schedule 3 of the Local Government: Municipal Structures Act, 17 of 1998 in the Office of Speaker of Council for the term that will end with the next general municipal elections.

(DCS)

**ITEM A.134.17.08.16**

**ELECTIONS: (1) ELECTION OF MEMBERS OF EXECUTIVE COMMITTEE**  
**(2) ELECTION OF MAYOR**  
**2016/2017 TO 2020/2021 TERM OF OFFICE**  
**(3/3/3)**

**REMARK:**

The Speaker, Cllr L B Mogale read the administrative recommendations that the number of seats on the Executive Committee be composed under the provisions of Section 43 of the Local Government: Municipal Structures Act of 1998 and in accordance with the seat calculation of parties that was issued for LIM 344 by the MEO of IEC (Makhado) on 10 August 2016. It was accepted in general that the Executive Committee be composed of ten (10) members as permitted by the Structures Act.

The Speaker, Cllr L B Mogale subsequently requested for nomination of candidates to be elected in the Office of Member of Executive Committee for the seats as indicated in the table below:

<b>PARTY</b>	<b>NUMBER OF SEATS IN EXECUTIVE COMMITTEE</b>
African National Congress (ANC)	8
Democratic Alliance (DA)	1
Economic Freedom Fighters (EFF)	1
Ximoko Party (XP)	0
Congress of the People (COPE)	0
African Christian Democratic Party (ACDP)	0
Total number of seats = 10	

The following nominations were received -

1. Cllr M J Gabara proposed, duly seconded by Cllr R Raliphada that the following ANC councillors be nominated for election in the Office of Member of the Executive Committee:  
Cllr N D Davhana (Finance) accepted the nomination.  
Cllr T J Mamafha (Technical Services) accepted the nomination.  
Cllr D Ratshikuni (Development Planning) accepted the nomination.  
Cllr T P Mamorobela (Corporate Services) accepted the nomination.  
Cllr N F Chililo (Community Services) accepted the nomination.  
Cllr G T Mukwevho (Youth and Special Programmes) accepted the nomination.  
Cllr S Masuka (Disaster and Moral Regeneration) accepted the nomination.  
Cllr S M Sinyosi accepted the nomination.
2. Cllr A du Plooy of DA proposed, duly seconded by Cllr M Mpashe that Cllr N B Jones be nominated for election in the Office of Member of the Executive Committee. Cllr N B Jones accepted the nomination.
3. Cllr P Mashau of EFF proposed, duly seconded by Cllr S I Bulala that Cllr A Matumba be nominated for election in the Office of Member of the Executive Committee. Cllr A Matumba accepted the nomination.

The Speaker, Cllr L B Mogale then declared the following members as duly elected in the Office of Executive Committee and congratulated them with the achievement -

Cllr N D Davhana  
 Cllr T J Mamafha  
 Cllr D Ratshikuni  
 Cllr T P Mamorobela  
 Cllr N F Chililo  
 Cllr G Mukwevho  
 Cllr S Masuka  
 Cllr S M Sinyosi  
 Cllr N B Jones  
 Cllr A Matumba

The Speaker, Cllr L B Mogale then proceeded to call for nomination of candidates for election in terms of the provisions of section 48 read with Schedule 3 of the Local Government: Municipal Structures Act, 117 of 1998 in the Office of Mayor and Chairperson of the Executive Committee of Makhado Local Municipality.

Cllr T M Malange proposed, duly seconded by Cllr N D Davhana that Cllr S M Sinyosi be appointed the Mayor and Chairperson of the Executive Committee of Makhado Local Municipality. Cllr S M Sinyosi accepted the nomination as candidate for election as Mayor and Chairperson of the Executive Committee of Makhado Local Municipality.

The Speaker, Cllr L B Mogale called for further nominations.

Cllr N A Mafhala proposed, duly seconded by Cllr J Lukheli that Cllr N B Jones be appointed the Mayor and Chairperson of the Executive Committee of Makhado Local Municipality. Cllr N B Jones accepted the nomination as candidate for election as Mayor and Chairperson of the Executive Committee of Makhado Local Municipality.

Since two (2) nominations were received, the Speaker, Cllr L B Mogale arranged that the vote be done by way of ballot papers by the IEC. The meeting agreed with the arrangements and the vote was taken accordingly. The results were as follows:

For Cllr S M Sinyosi - a total of 58 votes  
 For Cllr N B Jones - a total of 9 votes

The Speaker, Cllr L B Mogale declared that Cllr S M Sinyosi duly elected in the Office of Mayor and Chairperson of the Executive Committee for the period ending with the next general municipal elections.

The Speaker, Cllr L B Mogale invited SALGA representative, Ms K L Halong and the Municipal Manager to assist her inaugurating the newly elected Mayor of Makhado Local Municipality by bestowing her with the Mayoral Chain.

The Mayor was then granted the opportunity to deliver her acceptance speech of office which read as follows:

*“Madam Speaker: Cllr: Mogale L  
 Chief Whip of Council: Cllr : Mboyi D  
 MPAC Chairperson: Cllr : Malange T  
 Fellow Councilors  
 Leadership of the African National Congress  
 Municipal Manager: I.P. Mutshinyali  
 CFO, Directors and all officials of our Municipality  
 Labour Unions Present here  
 Members of the Media,  
 Compatriots and friends  
 Distinguished guests*

*Good afternoon , Ndi masiari , inhlekani*

**Madam Speaker**

*I am profoundly grateful to have been elected as the Mayor of Makhado Local Municipality and I wish to express my deepest gratitude. The responsibility Council has bestowed upon me is an onerous task that depends largely on how well we as a collective manage the mandate the community has given us in making their lives better.*

**Madam Speaker**

*Well known author Zig Ziglar says, I Quote*

***“You don't have to be great to start, but you have to start to be great”***

*In these words, Madam Speaker, let me take this opportunity and join the rest of South Africans and world in Congratulating our Golden Boy : Wayde van Niekerk who won the 400 meters gold medal. Wayde van Niekerk did not just win the first Gold Olympic Medal in Rio Olympics 2016, but he broke Michael Johnson's 17-year-old 400m world record to sensationally win. Madam Speaker if Wayde van Niekerk did not start the race in Rio Olympics games 2016 , he would not be the best today. All of us will have to start somewhere to be great.*

**Madam Speaker**

*Let me take this opportunity once more and express my deepest condolences to the family of one of our own Reverend Arnold Makhenkesi Stofile who is no more . Cde Stofile, was distinguished veteran of the liberation struggle, He served as Treasurer General of the ANC, he became the first Chief Whip of the ANC in Parliament in 1994 and later served as the Premier of the Eastern Cape. Today we share the family of Cde Stofile in their profound grief and sense of loss. **May his soul rest in peace***

**Madam Speaker**

*Accepting this responsibility as a woman during the woman's month, it's a clear indicative that the African National Congress is sincere when it says there shall be equal representation in leadership positions. The fact that our Speaker and Chief Whip of this Municipality are women is testimony to that. As we celebrate women's month this August, I think it's befitting that we must pay tribute to many generations of women for their sacrifices, patriotism, hard work and commitment.*

**Madam Speaker**

*Allow me to mention the contributions of women such as Charlotte Maxeke, Lillian Ngoyi, Winnie Mandela, Helen Joseph, Albertina Sisulu, Ruth First, Dorothy Nyembe and a host of others including Helen Suzman. Their contribution will forever occupy the foremost place in our history. The driving force behind the actions of all these generations of women was to build a National Democratic Society – a non-racial, non-sexist, democratic and prosperous South Africa, free of poverty, inequality and unemployment.*

**Madam Speaker,**

*Your confidence in me has placed on my shoulders and those of other deployees a necessary burden to work diligently and tirelessly to change the lives of our people for the better. I know it as a matter of fact, that my election today is not a personal feat; but a call to action. I therefore count it a rare honour and privilege on my part to accept this mandate to continue to lead government in our municipality. In this regard I would like to, particularly, thank my organisation, the ANC, for entrusting me with the responsibility of leading the process of translating its electoral manifesto into a workable action plan and partner with the electorates to hold ourselves accountable for better services to our people ,*

**Madam Speaker,**

*Today is not an occasion for me to make fancy speeches. As council of Makhado Municipality, we have a responsibility that we are all obliged to deliver. Former President Nelson Mandela would have advised us that this is simply a moment to take a breather before we continue, for the long walk to a better life has not yet been fully achieved.*

**Madam Speaker and fellow councilors**

*There are service delivery challenges ahead of us. The quality of our leadership will not be measured by good speeches but through collective action.*

***Madam Speaker, allow me to quote Henry Ford, a famous American industrialist and pioneer of the assembly-line production, He said and I quote “Coming together is a beginning. Keeping together is progress. Working together is success.” close quote***

*We need a collective decision for us to be able to succeed in ensuring that our people get better they deserve.*

**Madam Speaker,**

*I am optimistic that indeed together we can do more to build better communities. I must also take this opportunity to once again congratulate all who have laid the foundation before me. Your actions, experiences and ability have made it possible for me to take over with such ease. Members of the public can also be assured of continuity and stability as this transition was well planned and carefully executed.*

**Madam Speaker**

*The ANC remains in charge and will continue to be in the next term. I am inviting all members of the Executive Committee to continue rendering their services to our people with the commitment they deserve. It is my policy,*

above that of the organization that has employed me and the Council that I am honored to lead, to have an open door and to listen to all the people and benefit from their experience and aspirations. This municipality does not need good plans and well-set targets only. We need to work together across the political divide.

**Madam Speaker**

*It is fundamental that we acknowledge the major strides, which have been achieved since the inception of democracy in this country, particular within Makhado Municipality. We can indeed pride ourselves with the service delivery records and achievements, which have been displayed over the years. However, we note the outcry of our communities on the service delivery backlogs such as sanitation, water, electricity, proper roads and housing.*

**Finally Madam Speaker**

*I accept this honor on your behalf, my leaders, and on behalf of all women of this municipality and the province as a whole. I also want to congratulate you Madam Speaker, Chief whip and all councilors for the huge task bestowed in you. My success and challenges will also be yours.*

***Working together we can do more to build a better Makhado Local Municipality***

***I thank you.”***

**RESOLVED A.134.17.08.16 (COUNCIL)**

1. THAT the Executive Committee be composed of ten (10) members as permitted in terms of the provisions of section 43 of the Local Government: Municipal Structures Act, 117 of 1998.

(DCS)

2. THAT it be noted that the following councillors were duly elected as Members of the Executive for the term of office that ends with the next general municipal election:

- 2.1 Cllr S M Sinyosi - ANC
- 2.2 Cllr N D Davhana (Finance) – ANC
- 2.3 Cllr T J Mamafha (Technical Services) – ANC
- 2.4 Cllr D Ratshikuni (Development Planning) – ANC
- 2.5 Cllr T P Mamorobela (Corporate Services) – ANC
- 2.6 Cllr N F Chililo (Community Services) – ANC
- 2.7 Cllr G Mukwevho (Youth & Special Programmes) – ANC
- 2.8 Cllr S Masuka (Disaster and Moral Regeneration) – ANC
- 2.9 Cllr N B Jones – DA
- 2.10 Cllr A Matumba - EFF

(DCS)

3. THAT it be noted that Cllr S M Sinyosi was duly elected in terms of the provisions of section 48 read with Schedule 3 of the Local Government: Municipal Structures Act, 17 of 1998 in the Office of Mayor of Council and Chairperson of the Executive Committee for the term that will end with the next general municipal elections.

(DCS)

SC3AugExcoMembers\_itm

**ITEM A.135.17.08.16**

**ELECTIONS: ELECTION OF THE CHIEF WHIP: 2016/2017 TO 2020/2021  
(3/3/1, 2/4 & 6/11/1/1)**

**REMARK:**

When this matter was considered, the Speaker, Cllr L B Mogale called for nomination of candidates for election in the Office of Chief Whip of Makhado Local Municipality. Cllr N F Chililo proposed, duly seconded by Cllr M S Tshilambyana that Cllr M D Mboyi be elected as Chief Whip of Makhado Local Municipality. Cllr M D Mboyi accepted the nomination.

The Speaker called for further nominations.



Cllr J Lukheli proposed, duly seconded by Cllr A A Raphalalani that Cllr G Tshibvumo be elected as Chief Whip of Makhado Local Municipality. Cllr G Tshibvumo accepted the nomination.

Since two (2) nominations were received, the Speaker, Cllr L B Mogale arranged that the vote be done by way of showing hands. The process was conducted by the IEC. The meeting agreed with the arrangements and the vote was taken accordingly. The results were as follows:

For Cllr M D Mboyi - a total of 55 votes

For Cllr G Tshibvumo - a total of 9 votes

The Speaker subsequently declared that Cllr M D Mboyi was duly elected in the Office of Chief Whip of Makhado Local Municipality for the term that would end with the next general municipal elections.

**RESOLVED A.135.17.08.16 (COUNCIL)**

THAT it be noted that Cllr M D Mboyi was elected in the Office of Chief Whip of Makhado Local Municipality for the term of office, which runs until the next general municipal elections, and that the designation of such elected councillor was in terms of the contents of General Notice 178 of 2012 published in Provincial Gazette Extraordinary No 2079 dated 7 May 2012. (DCS)

**ITEM A.136.17.08.16**

**ELECTIONS: DESIGNATION OF FULL-TIME COUNCILLORS IN CERTAIN OFFICES  
(3/3/3; 3/3/5; 3/3/1)**

**REMARK:**

When this matter was considered, Cllr M D Mboyi proposed, duly seconded by Cllr G T Mukwevho, that the Mayor, Cllr S M Sinyosi, the Speaker, Cllr L B Mogale, the Chief Whip, Cllr M D Mboyi, Cllr T J Mamafha (Technical Services), Cllr N D Davhana (Finance), Cllr T P Mamorobela (Corporate Services), Cllr D T Ratshikuni (Development Planning) and as the next to be elected Chairperson of Municipal Public Account Committee (MPAC) be appointed in full-time capacity with effect of 10 August 2016. The proposal was accepted unopposed and recorded as Council's Resolution herein below.

**RESOLVED A.136.17.08.16 (COUNCIL)**

1. THAT the designation of full-time councillors in terms of the provisions of section 18(4) of the Local Government: Municipal Structures Act, 117 of 1998 read with Part 14 of the General Notice No. 94 of 2016 published in the Provincial Gazette no. 2735 dated 22 July 2016 be approved, as follows:

The Mayor, Cllr S M Sinyosi, the Speaker, Cllr L B Mogale, the Chief Whip, Cllr M D Mboyi, Cllr T J Mamafha (Technical Services), Cllr N D Davhana (Finance), Cllr T P Mamorobela (Corporate Services), Cllr D T Ratshikuni (Development Planning) with effect from 10 August 2016. (DCS)

2. THAT the designation of a full-time councillor in the Office of Chairperson of Municipal Public Account Committee (MPAC), a committee established in terms of section 79, be approved in principle, subject to the approval of the MEC of Cooperative Governance, Human Settlements and Traditional Affairs (COGHSTA). (DCS)

**ITEM A.137.17.08.16****ELECTIONS: APPOINTMENT OF THE CHAIRPERSON OF MUNICIPAL PUBLIC ACCOUNT COMMITTEE (MPAC)  
(4/33)****REMARK:**

When this matter was considered, the Speaker, Cllr L B Mogale called for nomination of candidates for election in the Office of Chairperson of Municipal Public Account Committee of Makhado Local Municipality.

Cllr M R Magada proposed, duly seconded by Cllr M D Ndou that Cllr T M Malange be elected as Chairperson of the Municipal Public Account Committee of Makhado Local Municipality. Cllr T M Malange accepted the nomination.

The Speaker called for further nominations.

Cllr A du Plooy proposed, duly seconded by Cllr S S Tshifura that Cllr G Tshibvumo be elected as Chairperson of the Municipal Public Account Committee of Makhado Local Municipality. Cllr G Tshibvumo accepted the nomination.

Since two (2) nominations were received, the Speaker, Cllr L B Mogale arranged that the vote be done by way of showing hands. The process was conducted by the IEC. The meeting agreed with the arrangements and the vote was taken accordingly. The results were as follows:

For Cllr T M Malange - a total of 58 votes

For Cllr G Tshibvumo - a total of 9 votes

The Speaker subsequently declared that Cllr T M Malange was duly elected in the Office of Chairperson of the Municipal Public Account Committee of Makhado Local Municipality for the term that would end with the next general municipal elections.

**RESOLVED A.137.17.08.16 (COUNCIL)**

THAT Council approves the designation of Cllr T M Malange as a full time councillor in the Office of Chairperson of Municipal Public Account Committee (MPAC), a committee established in terms of section 79, subject to the approval of the MEC of Cooperative Governance, Human Settlements and Traditional Affairs (COGHSTA). (DCS)

**ITEM A.138.17.08.16****ELECTIONS: COUNCILLORS TO REPRESENT LOCAL COUNCIL IN THE VHEMBE DISTRICT COUNCIL  
(12/3/3/46)****REMARK:**

1. The MEO of the IEC, Makhado, Mr H M Mulaudzi presided over the elections of eleven (11) councillors to represent Makhado Municipality at Vhembe District Municipality in terms of clause 15 to 22 of Schedule 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998). Parties' representatives were given nomination forms with relevant guidelines, so that party members be given the opportunity to elect councillors to represent Makhado Municipality.

2. The MEO declared the following councillors as duly elected to represent Makhado Local Municipality in the Vhembe District Municipality:

<b>PARTY NAME</b>	<b>SEQ</b>	<b>CANDIDATES NAMES</b>	<b>ID NUMBER</b>
AFRICAN NATIONAL CONGRESS	1	MUNYAI NTHAVHANYENI SAMUEL	690202 6976 085
AFRICAN NATIONAL CONGRESS	2	TSHILAMBYANA MUSUNDWA SELINAH	741212 1408 082
AFRICAN NATIONAL CONGRESS	3	MAINGO TLHAMALANI RUTH	670709 0249 081
AFRICAN NATIONAL CONGRESS	4	KUTAMA NDWAKHULU	720103 6344 080
AFRICAN NATIONAL CONGRESS	5	MADZHIGA FHUMULANI NEHEMIA	651201 5920 083
AFRICAN NATIONAL CONGRESS	6	MACHETE MAHLOMOLA SYLVIA	590910 0180 089
AFRICAN NATIONAL CONGRESS	7	MAMAFHA TUWANI CEDRICK	720101 9475 083
AFRICAN NATIONAL CONGRESS	8	RALIPHADA RACHEL	790306 0605 086
DEMOCRATIC ALLIANCE	1	MPASHE MASILO JOHANNES	840121 5799 083
DEMOCRATIC ALLIANCE	2	MAFHALA ALBERT NNDWAKHULU	640702 5350 084
ECONOMIC FREEDOM FIGHTERS	1	MASHAU PATRICK	710427 5574 088

3. The Speaker, Cllr L B Mogale ruled that representatives of each of the political parties be afforded an opportunity to address Councillors in the historic first Council meeting after the 2016 Local Government Elections. Their speeches can be summarised as follows:
- 3.1 Cllr T Seshoki on behalf of the Ximoko Party congratulated the Speaker, Mayor and Chief Whip of Makhado Local Municipality, and further mentioned that as a party they were here to represent the community who voted them in Council and to do the service delivery around Hlanganani. He thanked the House for being nominated to serve the Party.
- 3.2 Cllr B F Hlongwane on behalf of the African Christian Democratic Party congratulated the new Executive Committee, the Speaker, the Municipal Manager, Mr I P Mutshinyali, Democratic Alliance, Congress of the People, Economic Freedom Fighters, African National Congress and Ximoko Parties in the Council. He further indicated that Makhado Municipality is the most beloved Municipality in the world, it is known to be the best Municipality. Let's build Makhado Municipality together so that we can receive a clean audit for the first time. God bless all.
- 3.3 Cllr M E Malima on behalf of the Congress of the People Party congratulated the Chief Whip, Municipal Manager, Speaker, elected Executive Committee members and all councillors, and further indicated that as Councillors, let's follow all legislation of South Africa so that everything will go well.
- 3.4 Cllr A Matumba on behalf of the Economic Freedom Fighters Party said that as the EFF, they want to make sure that land belongs to blacks, and that there will be service delivery to the community who voted them in Council and to create jobs.
- 3.5 Cllr G Tshibvumo on behalf of the Democratic Alliance congratulated the Speaker, Chief Whip, Mayor, Municipal Manager and administration. I greet you all in the name of fairness and oppression. In the Constitution there is a section that said "the right to respect". If we do that we must pursue to deliver services and let's respect money that comes to this Municipality, whether it is MIG grants – if you do that, you will have full support from Democratic Alliance.

- 3.6 Cllr M D Mboyi (Chief Whip) on behalf of the African National Congress delivered her address to Council, which reads as follows:

*“Madam Speaker: Cllr Mogale L  
 Comrade Mayor : Her Worship Cllr Sinyosi S M  
 MPAC Chairperson: Cllr Malange T  
 Fellow Councilors  
 Leadership of the ANC  
 Municipal Manager: I.P. Mutshinyali  
 CFO, Directors and all officials of our Municipality  
 Members from Labour Unions  
 Members of the Media,  
 Compatriots and friends  
 Distinguished guests*

***Good afternoon, Ndi masiari, inhlekani***

*Let me start by borrowing words of wisdom from one African and philosophical scholar Ngugi wa Thionga when he said **“the ability of changing bad conditions of our people depends on the greater change of our upper thinking and the greater change of our attitude in meeting the aspirations of those we purport to be representing.”***

*The Honourable Speaker, the Mayor, Councillors of both the ruling party and the oppositions, the Head of Administration in this Municipality, and most importantly the members of the society of this great Municipality, I am passing my warmest and revolutionary greetings to all of you.*

*I deliberately quoted Ngugi wa Thionga as these are more relevant to the interpretation of the conditions of our people.*

*Over the past sixteen years and so, we have accelerated the process of transforming society. In the course of advancing social transformation, the ANC agreed on The Key Manifesto Areas that are critical in realising our strategic goal of building a developmental state.*

*We have to ensure that the developmental state has the capability to deliberately redirect resources towards uplifting our poor communities. To date thousands of our people have access to housing, clean water, sanitation and electricity.*

*Our continuous interactions with our people have taught us that more still needs to be done. We therefore need to account for each and every cent we spend, each and every action that we take.*

*The foundation of the existence of the ANC is built on its relations with communities and therefore, communities are our soul of existence.*

*Local Government is the coalface of service delivery. We must also focus our energy on improving the capacity of our councillors.*

*Lazy councillors must do us a favour, please ship out, do not defraud the Municipality of a salary you do not deserve.*

*Let us all remember that we are employees of the ANC in Council. We draw our mandate from the ANC and therefore, we are not employed but deployed by the ANC.*

*To the opposition parties I say, let us put forth the interest of our society first, the infighting is not necessary. We need a politically and administratively stable municipality, no more fights that do not put the interest of our society first.*

*Lastly to the Administrators of this Municipality, leave political battles to politicians, to the Politicians, leave administrative and technical responsibilities to the Administrators. No more interference!*

*In closing let me quote Ngugi wa Thionga again – “the voice of the village is the voice of the country, and it is the voice of the nation, and it is the voice of the people, the voice of the people is the voice of God. Happy is the man who willingly defends the shadow of his nation, for his name shall live forever in the hearts of the people”.*

*Honourable Speaker, democracy means more than voting. It must be measured by the quality of life of ordinary people. Therefore, let us redirect our resources to uplift the state of our people.”*

**RESOLVED A.138.17.08.16 (COUNCIL)**

1. THAT it be noted that the MEO for Makhado Region, Mr H M Mulaudzi presided over the election of eleven (11) councillors that will represent Makhado Local Municipality in the Vhembe District Municipality in terms of the provisions of sections 15 to 22 of Schedule 2 of the Local Government: Municipal Structures Act, 117 of 1998. (DCS)
2. THAT Vhembe District Municipality be informed that the following Councillors were duly elected to represent Makhado Local Municipality in the Vhembe District Municipality:-
  - 1.1 Cllr N S Munyai
  - 1.2 Cllr M S Tshilambyana
  - 1.3 Cllr T R Maingo
  - 1.4 Cllr N Kutama
  - 1.5 Cllr F N Madzhiga
  - 1.6 Cllr M S Machete
  - 1.7 Cllr T C Mamafha
  - 1.8 Cllr R Raliphada
  - 1.9 Cllr M J Mpashe
  - 1.10 Cllr A N Mafhala
  - 1.11 Cllr P Mashau. (DCS)

SC30MayVhembe\_itm

**ITEM A.139.17.08.16**

**ELECTIONS: DECLARATION OF INTEREST: MUNICIPAL COUNCILLORS ELECTED ON 3 AUGUST 2016 (3/4/1; 3/4/2)**

**RESOLVED A.139.17.08.16 (COUNCIL)**

THAT all Councillors as elected on 10 August 2016 pay attention to the contents of and forthwith continuously maintain conduct according to Clause7 of the Code of Conduct for Councillors promulgated in Schedule 1 in terms of the provisions of the Local Government: Municipal Systems Act, 32 of 2000, as amended. (DCS)

SC3AugDeclaration\_itm

**ITEM A.140.17.08.16****ELECTIONS: CODE OF CONDUCT FOR COUNCILORS  
(3/4/3)**

RESOLVED A.140.17.08.16 (COUNCIL)

THAT all Councilors take note of and abide with the contents of the Code of Conduct for Councilors promulgated in terms of the provisions of the Local Government: Municipal Systems Act, 2000, as amended, a full copy of which is attached hereto as Annexure A. (DCS)

SC30MayCode

**ITEM A.141.17.08.16**

**FINANCES: 1. UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF MUNICIPAL OFFICE BEARERS: 2015/16 FOR 2016/2017 FINANCIAL YEAR**  
**2. TRAVEL AND SUBSISTENCE POLICY, 2016**  
 (6/11/1/4; 5/5/52/1)

**REMARK:**

The Director Corporate Services put further comments of the Chief Financial Officer with regard to the amendment of the approved Travel and Subsistence Policy, 2016 to Council for consideration. The recommendation of amendment was adopted unanimously and became Council's Resolution as indicated below.

RESOLVED A.141.17.08.16 (COUNCIL)

1. THAT it be noted that councillors that were elected on 10 August 2016 will be for the 2016/2017 financial year be remunerated according to the contents of Notice No. R 1271 of 21 December 2015 about the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils promulgated in Government Gazette No 39548 dated 21 December 2015 by the Minister for Cooperative Governance and Traditional Affairs, a copy of which is attached as **Annexure A** to the report in this regard. (DCS)
2. THAT note be taken of the approved Travel and Subsistence Policy, 2016 attached as Annexure B to the report in this regard with the following amendments:
  - 2.1 Paragraph 4.4.1 - The 500km in line 3 should be substituted with 200km.  
Paragraph 2 of paragraph 4.4.1 is deleted *in total*.
  - 2.2 Paragraph 4.4.3 - Paragraph 1 is deleted and substituted with the following:  
"For the Mayor, Municipal Manager, Speaker and Chief Whip such a requirement may be relaxed and accommodation arranged as per each case's requirement where it is not practical to find accommodation of the stipulated amount or closest to the event being attended."
  - 2.3 Paragraph 4.5.1 - Add the following sentence:  
"For the Mayor, Municipal Manager, Speaker and Chief Whip such a requirement may be relaxed as per each case's requirement."

2.4 Paragraph 4.5.3 - The whole paragraph be deleted and substituted with the following:

“All flights by representatives of the municipality shall be in economy class. For the Mayor, Municipal Manager, Speaker and Chief Whip such a requirement may be relaxed as per each case’s requirement.”

and it be incorporated into the Travel and Subsistence Policy, 2016 approved by Council under Council Resolution A.87.26.05.16. (DCS)

SC30MayUpper\_itm

**ITEM A.142.17.08.16**

**FINANCES: (1) APPROVED IDP 2016/2017**

**(2) APPROVED CAPITAL AND OPERATIONAL ESTIMATES 2016/2017  
TO 2018/2019**

**(6/1/1 (2016/2017); 15/7/1)**

**REMARK:**

1. Cllr S Masuka proposed, duly seconded by Cllr T G Mukwevho that all tender projects on the IDP 2016/2017 be put on hold until the PMT advise on the way forward. This proposal became a Council Resolution as indicated below.
2. The Director Corporate Services deliver the voluminous Budget and IDP documents that relate to the Council Resolutions recorded in paragraph 1 above to newly elected councillors under separate cover, as amended.

**RESOLVED A.142.17.08.16 (COUNCIL)**

1. THAT note be taken that the Capital and Operational Estimates for the 2016/2017 to 2018/2019 financial years was approved by Council Resolution A.87.26.05.16, while the Integrated Development Plan for 2016/2017 cycle was approved by Council Resolution A.88.26.05.16. (DCS)
2. THAT it be noted that the voluminous Budget and IDP documents that relate to the Council Resolutions recorded in paragraph 1 above were delivered to newly elected councillors under separate cover. (DCS)
3. THAT all tender projects on the IDP 2016/2017 be put on hold until the PMT advised on the way forward in this regard.

SC30MayBudIdp\_itm

(DCS)

**ITEM A.143.17.08.16****ORGANIZATIONS & ASSOCIATIONS: SALGA (LIMPOPO) PRESENTS COUNCILLOR INDUCTION PROGRAM  
(12/2/54/1; 5/4/2)**

RESOLVED A.143.17.08.16 (COUNCIL)

THAT both newly elected and returning Councillors take note of the SALGA Integrated Councillor Induction Program, which will be initiated by SALGA whereby Councillors will be equipped with a broad understanding of their roles and responsibilities, legislative framework, policies and procedures, the express mandate of a developmental local government and the overall South African Local Government System, on NQF Level 3 & 5 certificate of competence upon successful completion.

SC3AugCIP\_itm

(MM/DCS)

**ITEM A.144.17.08.16****COUNCIL COMMITTEES: SEPARATION OF POWERS: IMPLEMENTATION OF THE MODEL: SECTION 79 AND 80 COMMITTEES  
(4/1/B)**

RESOLVED A.144.17.08.16 (COUNCIL)

1. THAT note be taken of the report of implementing the model for separation of powers as arranged by paragraph 7 and 8 of Council Resolution A.52.1.08.11. (DCS)
2. THAT Council approves the implementation of the Separation of Powers in respect of Section 79 and 80 Committees with immediate effect. (DCS)
3. THAT Council elects members to serve in the Section 79 and Section 80 Committees. (DCS)
3. THAT an Adhoc Steering Committee as proposed in the report be established to oversee the smooth transition and implementation of the Separation of Powers Model. (DCS)

SeparationPowersModel2016\_itm

**ITEM A.145.17.08.16****COUNCIL AND EXECUTIVE COMMITTEE MEETINGS: JANUARY 2016 TO DECEMBER 2017  
(4/2/1 & 4/3/1)**

RESOLVED A.145.17.08.16 (COUNCIL)

1. THAT Council takes note of the schedule of dates on which various Council Committee meetings will be held in 2016 and 2017. (DCS)
2. THAT Councillors further take note that failure to attend Council and its Committees' meetings is a misconduct in terms of the Rules of Order, 2016 of Council. (DCS)

NoteMeetingDates\_itm



**ITEM A.146.17.08.16****ORGANIZATION & EMBLEMS: DELEGATION OF POWERS – COUNCIL, EXECUTIVE COMMITTEE AND HEADS OF DEPARTMENTS****(2/1/3/2/1; 2/1/3/2/2)**

RESOLVED A.146.17.08.16 (COUNCIL)

1. THAT Council takes note of the system of delegated power as summarized in Council Resolution A.61.15.08.07. (DCS)
2. THAT Council in the interest of service delivery abides by Resolution A.61.15.08.07 which is a summary account of delegated powers, until such time as it may require a review of the delegated powers. (DCS)
3. THAT Council withdraws approval of land use rights as they are now the responsibility of the Municipal Tribunal. (DCS)
4. THAT Council remains with the power to approve the institution and defending any legal action or application at the High Court or equivalent Court except for an employer and employee relationship which are assigned by operation of law to the Municipal Manager.

SC17AugustDelegated\_itm

(DCS)

**ITEM A.147.17.08.16****ELECTIONS: OUTSTANDING MATTERS IN TERMS OF SALGA GUIDELINES****(12/2/54/1; 5/4/2)**

RESOLVED A.147.17.08.16 (COUNCIL)

THAT Council takes note that the following reports will be submitted to Council for consideration and noting in due course:

1. Participation in Local Labour Forum
2. Councillors to represent in the District and Provincial Intergovernmental Relations Forums
3. Councillors to represent in SALGA structures – Provincial and National
4. Participation of Traditional Leaders in Council
5. Establishment of Ward Committees. (DCS)

ParticipationInCommittees\_itm

\* \* \* \* \*

The meeting was closed and adjourned at 19:07.

Approved and confirmed in terms of the provisions of Clause 34 of the Rules and Orders, 2007 promulgated in Provincial Gazette No. 1391 of 31 August 2007 under Local Authority Notice 228, by a resolution of the Council passed at the meeting held on 27 October 2016.