

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE FIFTY SIXTH (56th) MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 29 JULY 2010 AT 17:00 IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, KROGH STREET, LOUIS TRICHARDT.

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PRESENT

Councillors

BALOYI R S	MATAMELA N S
BOPAPE M B	MATODZI A N
CHAYA A A	MATUMBA N J
DU PLOOY A	MAUBA K D
GUNDULA A S	MAVHUNGU K
HELM M A	MBOYI M D
HLONGWANE B F	MUDAU T J
HONWANI X N C	MUFAMADI M R
HOORZUK J	MUKHAHA A J
KENNEALY A	MULOVHEDZI M D
KUMALO J D	MUNUNGUHALA M L
LEBEA M E	MUROVHI N J
LOWANE L B	MUTAVHATSINDI F D
MABILA M N	MUVHUMBE M A
MABOHO N K	NCHAUBA T G
MABOHO T E	NDHLIWAYO B T
MADUWA E	NEKHUMBE L M
MAGUGA S G	NEPHAWE K P
MAHLAULE N V	NGOBENI E H
MAHWAI S J	PHASWANA P
MAKANANISE M M	RADAMBA M S
MAKHADO M M	RAMASHIA M G
MAKHADO M N	RAMUDZULI S D
MAKHERA M A	REKHOTSO S M
MAKHUBELE R T	REYNEKE P Q
MANGANYI S D S	RIKHOTSO F J
MAPHALA O S	RUMANI F F
MASHAMBA H A	SIPHUMA A L
MASHAU L P	TSHAVHUYO T G
MASUKA S	

Traditional Leaders

KHOSI N T L MASHAMBA

Officials

E L MUGARI	(ACTING MUNICIPAL MANAGER AND DIRECTOR COMMUNITY SERVICES)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT & PLANNING)
T E RALULIMI	(DIRECTOR TECHNICAL SERVICES)
P G MAPHETO	(ACTING DIRECTOR FINANCE)
N C KAHRIDZHA	(ACTING DIRECTOR CORPORATE SUPPORT & SHARED SERVICES)
J LUKHELI	(ASSISTANT MANAGER COUNCILLORS AFFAIRS)

L BOBODI
S A MATHONSI
M D MUNYAI

(PUBLIC RELATIONS OFFICER)
(MANAGER: OFFICE OF THE MAYOR)
(ADMINISTRATIVE OFFICER: COMMITTEES)

1. OPENING

The Speaker, Cllr J Hoorzuk ruled that a minute of silence be observed for meditation and prayer whereupon she declared the meeting officially opened.

2. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED –

1. THAT leave of absence be granted in accordance with the provisions of paragraph 5 of the Council's Rules and Orders, 2007 in respect of the Council meeting held on 29 July 2010 to Cllrs Baladzi P, M M Lerule, R G Machovani, M F Mahani, S E Makhomisani, N E Ngobeni, A G Ngwana and R G Nkanyani.
2. THAT it be noted that Cllrs J Dzhombe, P R J Nemalegeni, D Maletse, W N Mashele, L T Nthulane and M R Selepe as well as Hosi M S Bungeni, Khosi S A Mulima, Khosi M C Masakona, Hosi H N Majosi, Khosi T P Nesengani, Hosi S T Mukhari, Hosi J Baloyi, Khosi V C Ramabulana, Khosi T R V Mashau, Khosi M V Netsianda and Khosi S E Sinthumule were absent from the meeting and leave of absence was not granted in accordance with the provisions of sub-paragraph 5(1)(a) of the Council's Rules and Orders published under Provincial Gazette Notice no. 1391 dated 31 August 2007 in respect of the Council meeting held on 29 July 2010.

3. OFFICIAL ANNOUNCEMENTS

- 3.1 The Speaker, Cllr J Hoorzuk announced that there would be a Public Participation and Handover of the Maila Medicinal Project at Maila Sports Ground, Ha-Maila Village (Ward 19) on 3 August 2010 at 10:00. The event will be graced by the attendance of the Deputy Minister of Environmental Affairs, Honorable Joyce Mabudafhasi.
- 3.2 The Speaker, Cllr J Hoorzuk announced that there would be a meeting about water challenges in Dzanani area on 2 August 2010 at Dzanani Regional Office at 14:00. All Councillors and members of the Ward Committees who deal with water were expected to attend. The meeting would be convened by Vhembe District Municipality.

4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER

- 4.1 The Speaker, Cllr J Hoorzuk announced that all Councillors and officials who is in Council meeting may have to stand in honouring our late Traditional Leader, Khosi Vho-M A Madzivhandila who has passed away on July 2010, he was fully honoured by Makhado Municipality.

- 4.2 The Speaker, Cllr J Hoorzuk announced that Cllr A A Chaya donated 5000 litre tank to Dzingahe Primary School. The Acting Mayor and Speaker handed a Certificate of Appreciation to Cllr Chaya.
- 4.3 The Speaker, Cllr J Hoorzuk announced that there will be handing over of electrification project at Matsila Village which would be graced by the presence of the Chief Whip of National Parliament, Honourable Dr M Motshega, MP.

5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY COUNCILLORS

None

6. CONFIRMATION OF MINUTES

6.1. REMARK:

Upon proposal by Cllr J D Kumalo duly seconded by Cllr M M Matodzi, it was -

RESOLVED -

THAT the minutes of the 55th Meeting of the Council held on 29 April 2010, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

6.2. REMARK:

Upon proposal by Cllr N S Matamela duly seconded by Cllr M M Makhado, it was -

RESOLVED -

THAT the minutes of the 67th Meeting of the Special Council held on 28 May 2010, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson, with the following amendments:

Page 2, Paragraph 2 Under Remark

To remove the name "XNC Honwana" as the councillor was present at the meeting.

Page 8, item A.50.28.05.10 (originally A.38.28.05.10)

Cllr F J Rikhotso duly seconded by Cllr M E Lebea proposed that due to many inaccurate capturing on this item, the Housing Administration together with the Portfolio Councillor of Housing and the affected Ward Councillors correct the inaccuracies and it be correctly recaptured in the Council minutes. (DCSS/DPP)

7. QUESTIONS OF WHICH NOTICE HAD BEEN GIVEN

None

8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETING

None

9. REPORT OF THE EXECUTIVE COMMITTEE: JULY 2010

9.1 Report of the Executive Committee in terms of section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) for the months May 2010 to July 2010

The report of the 263rd Executive Committee meeting held on 26 May 2010

The report of the 264th Executive Committee meeting held on 28 May 2010

The report of the 265th Executive Committee meeting held on 15 July 2010

The report of the 266th Executive Committee meeting held on 29 July 2010

ITEM A.45.28.05.10 (originally A.33.28.05.10)

**PUBLICITY: FINAL ANNUAL REPORT 2008/9: OVERSIGHT REPORT AND FINAL APPROVAL: SUBMISSION TO DEPARTMENT NATIONAL TREASURY AND DEPARTMENT PROVINCIAL AND LOCAL GOVERNMENT
(10/1/2)**

REMARK

This item was already considered at the 67th Special Council meeting held on 28 May 2010.

ITEM A.46.28.05.10 (originally A.34.28.05.10)

**PLANNING : DRAFT IDP REVIEW 2010/11
(15/7/1; 6/1/1(10/11))**

REMARK

This item was already considered at the 67th Special Council meeting held on 28 May 2010.

ITEM A.47.28.05.10 (originally A.35. 28.05.10)

**FINANCES: CAPITAL AND OPERATIONAL ESTIMATES 2010/2011 TO 2012/2013
FINANCIAL YEAR
(6/1/1 (10/11))**

REMARK

This item was already considered at the 67th Special Council meeting held on 28 May 2010.

ITEM A.48.28.05.10 (originally A 36. 28.05.10)

**PERSONNEL: 2010/11 ORGANIZATIONAL STRUCTURE REVIEW
(5/1/2/1-10)**

REMARK

This item was already considered at the 67th Special Council meeting held on 28 May 2010.

ITEM A.49.28.05.10 (originally A.37.28.05.10)**ESSENTIAL SERVICES: APPOINTMENT OF INDEPENDENT DEVELOPMENT TRUST:
ACCESS TO NEIGHBORHOOD PROGRAM FUND
(12/3/3/66)****REMARK**

This item was already considered at the 67th Special Council meeting held on 28 May 2010.

ITEM A.50.28.05.10 (originally A.38.28.05.10)**COMMUNITY SERVICES: IDENTIFICATION OF DEVELOPMENT AREAS FOR THE
CONSTRUCTION OF RDP HOUSING UNITS FOR THE FINANCIAL YEAR 2011/201 AND
2012/2013
(17/4/1/7/20)****REMARK**

This item was already considered at the 67th Special Council meeting held on 28 May 2010.

ITEM A.51.29.07.10 (originally A.39.29.07.10)**COUNCIL COMMITTEES: FREQUENCY OF EXECUTIVE COMMITTEE MEETINGS
FROM JULY 2010: PROPOSED AMENDMENT
(4/2/1 & 4/3/1)**

RESOLVED A.51.29.07.10 -

1. THAT it be adopted as policy that meetings of the Council's Executive Committee forthwith be held at a frequency of once per month in order to contribute to a more effective, efficient and economic administration. (DCSS)

2. THAT the program of meetings adopted by Council under Resolution A. 86.29.10.09, be amended accordingly in respect of the Executive Committee for the remainder of the year 2010 as follows:
 - 15 July 2010
 - 12 August 2010
 - 9 September 2010
 - 21 October 2010
 - 11 November 2010. (DCSS)

3. THAT the program of meetings be amended accordingly in respect of the Executive Committee meetings for the remainder of the 2010/2011 financial year. (DCSS)

ITEM A.52.29.07.10 (originally A.40.29.07.10)**COUNCIL LAND: PROPOSED SCHOOL DEVELOPMENT: EDUCATIONAL ZONED ERF 188, TSHIKOTA TOWNSHIP (TE188)**

RESOLVED A.52.29.07.10 –

THAT erf 188, Tshikota Township be donated to the state for the sole purpose of developing a state controlled school, subject to the following conditions:

1. The intention to perform a land donation transaction must be advertised in terms of the provisions of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) in order to call for objections, if any
2. A formal Deed of Donation be concluded.
3. A land donation transaction agreement must be formally concluded between Makhado Local Municipality and Department of Education and municipality will not be liable for any possible damages suffered in this regard
4. The property be developed and operational within three years from the date of signing of the Deed of Donation, failing which the property will revert back to Council without compensation by Council for any improvement.
5. The Department of Education must submit a development proposal for consideration by the Executive Committee in order to ensure the optimum use of the property.
6. Development plan must be submitted before any building plans are approved.
7. All costs incidental to the matter be carried by Department of Education in the
8. No guarantees can be given for bulk services availability since municipality is not the bulk service provider of water, sewerage and electricity – municipal services to the site, including tarmac roads will be subject to the services installation program of the Department Technical Services. Council will not be liable for any claims for damage or loss suffered as a result of delays or slow progress with commissioning of municipal services according to the program.
9. The sole purpose of the donation is for the development of a state controlled school and it must be embodied as such in the title deed of the property.
10. All other standard conditions as for the sale of municipal land will also apply in this case.
11. Transfer of property ownership will be conducted by Council's attorneys and Council will bear costs for this purpose. (DCSS)

ITEM A.53.29.07.10 (originally A.41.29.07.10)

COUNCIL LAND: APPLICATION(S) TO PURCHASE: PORTION OF ERF 2636, LOUIS TRICHARDT EXTENSION 7 TOWNSHIP (E2636)

REMARK:

This item was referred as item B.42.15.07.10.

ITEM A.54.29.07.10 (originally A.42.29.07.10)

COUNCIL LAND: PROPOSED SALE OF SEVENTY SIX RESIDENTIAL ERVEN: VUWANI TOWNSHIP (7/3/2/1; 15/5/18; 7/4/1/3)

REMARK:

This item was referred as item B.43.15.07.10.

ITEM A.55.29.07.10 (originally A.43.29.07.10)

FINANCES: REQUEST FOR THE APPROVAL OF THE UNAUTHORISED EXPENDITURE INCURRED DURING THE 2006/7 FINANCIAL YEAR (5/5/2/1)

RESOLVED A.55.29.07.10 –

1. THAT Council condones the unauthorised expenditure as it did not constitute a fraud, and it is a requirement in terms of section 32 of the Municipal Finance Management Act, Act 56 of 2003. (DF)
2. THAT Council note that the Department of Finance was currently reviewing the internal controls to ensure that actions that resulted in unauthorised expenditure are eradicated. (DF)
3. THAT the Auditor-General upon his next visit to the Municipality, meet with the Portfolio Committee Finance and Portfolio Committee Technical Services and Infrastructure and members of the Audit Committee, and that the Chief Financial Officer ensure such meetings be convened. (DF)

UnauthorisedExpenditure_itm

ITEM A.56.29.07.10 (originally A.44.29.07.10)**FINANCES: REQUEST FOR THE APPROVAL OF THE WRITE-OFF OF THE ASSETS THAT COULD NOT BE VERIFIED
(8/1/3/3)****REMARK:**

This item was referred as item B.46.29.07.10.

ITEM A.57. 29.07.10**COUNCIL LAND: PROPOSED SALE OF SEVENTY SIX RESIDENTIAL ERVEN: VUWANI TOWNSHIP
(7/3/2/1; 15/5/18; 7/4/1/3)**

RESOLVED A.57.29.07.10 -

1. THAT the proposed sale of seventy six (76) residentially zoned erven in Vuwani Township be considered with due regard to the contents of the report. (DCSS)
2. THAT it be a condition of the Deed of Sale that Seller sells and the Purchaser purchases the property without basic infrastructure, viz, sewer, electricity, roads and stormwater and that these services shall be made available in terms of the need analysis of the relevant service authority. (DCSS)

VuwaniTownshipSales_itm(2)

ITEM A.58.29.07.10**PERSONNEL: MUNICIPAL COUNCILLORS PENSION FUND
(6/20/1)**

RESOLVED A.58.29.07.10 –

1. THAT Council take cognizance of the agreement to be signed between Makhado Local Municipality and ABSA Bank Limited in order to grant home loans to members of the Municipal Councilors Pension Fund. (DCSS)
2. THAT the Municipal Manager be delegated with power of authority to conclude the contract with ABSA Bank Limited in order to grant home loans to the members of the Municipal Councilors' Pension Fund. (DCSS)
3. THAT each councilor be provided with information about the maximum amount of money she/he can be loaned. (DCSS)

4. THAT the contract referred to in paragraph 2 above be signed seven (7) days after this Council Resolution. (DCSS)

CouncillorsHomeLoans_itm

ITEM A.59.29.07.10

REPORT ON THE STATUS OF PARKING METERS IN (LOUIS TRICHARDT) MAKHADO TOWN (17/2/3/2/1)

RESOLVED A.59.29.07.10 –

1. THAT the parking meter system of the Municipality be outsourced, provided that the Municipality will not suffer any financial loss and that the project will create job opportunity for local residents. (DCOMS)
2. THAT the Municipality consider the possible amendment of the By-law on Parking Meters in order to accommodate the appropriate parking meter system envisaged in paragraph 1 above. (DCOMS)
3. THAT the Service Level Agreement (SLA) for the parking meter system provide for the assessment and review of the performance of the service provider every six (6) months. (DCOMS)

ParkingMeters_itm

ITEM A.60.29.07.10

SUBMISSION OF DISASTER RISK REDUCTION PLAN (12/3/3/50)

RESOLVED A.60.29.07.10 –

1. THAT Council adopts and approves the Disaster Risk Reduction Plan as approved and adopted by Vhembe District Municipality (VDM) on 31 August 2009. (DCOMS)
2. THAT the Disaster Management Unit implements the Disaster Risk Reduction Plan. (DCOMS)
3. THAT the Portfolio Committee: Roads, Transport, Disaster and Land Reform should be workshopped on Disaster Risk Reduction Plan within three (3) weeks of this Council Resolution. (DCOMS)

DisasterPlan_itm

9.2 Report of the Executive Committee in terms of section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) for the months May 2010 to July 2010

The report of the 263rd Executive Committee meeting held on 26 May 2010
The report of the 264th Executive Committee meeting held on 28 May 2010
The report of the 265th Executive Committee meeting held on 15 July 2010
The report of the 266th Executive Committee meeting held on 29 July 2010

ITEM B.33.15.07.10

PERSONNEL: SUBMISSION OF THE WORKPLACE SKILLS PLAN FOR 2010/11 AND ANNUAL TRAINING REPORT FOR 2009/10 FINANCIAL YEAR

[4/2/4]

RESOLVED B.33.15.07.10 –

THAT Council takes note of the Workplace Skills Plan (WSP) for 2010/11 financial year, and the Annual Training Report (ATR) for 2009/10 financial year. (DCSS)

WSP_itm

ITEM B.34.15.07.10

REPORTS AND SURVEYS: PERFORMANCE ASSESSMENT: 2009/10 FINANCIAL YEAR: DEPARTMENT CORPORATE SERVICES

(10/1/4/1; 10/1/2)

RESOLVED B.34.15.07.10 –

THAT the Portfolio Committee for Corporate Support and Shared Services takes note of the Performance Report of the Department Corporate Support and Shared Services for the 2009/2010 financial year attached to the report in this regard. (DCSS)

ProgressDCSJuly2010_itm

ITEM B.35.15.07.10

PERFORMANCE MANAGEMENT: DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: DEPARTMENT CORPORATE SUPPORT AND SHARED: 2010/11 FINANCIAL YEAR

(6/1/1(10/11), 5/B, 5/5/2/1; 5/2/1/3)

RESOLVED B.35.15.07.10 –

THAT the matter be referred back to the Portfolio Committee Corporate Services. (DCSS)

DraftSDBIP1020-2011_itm

ITEM B.36.15.07.10**FINANCE: IN YEAR MONITORING AND REPORTING: MONTH ENDING MARCH 2010
(6/1/1(2009/10))**

RESOLVED B.36.15.07.10 –

THAT the in-year monitoring financial report for the month of March 2010 be noted. (DF)

MonitoringMarch_itm

ITEM B.37.15.07.10**FINANCE: IN YEAR MONITORING AND REPORTING: MONTH ENDING APRIL 2010
(6/1/1(2009/10))**

RESOLVED B.37.15.07.10 –

THAT the in-year monitoring financial report for the month of April 2010 be noted. (DF)

MonitoringApril_itm

ITEM B.38.15.07.10**PERFORMANCE MANAGEMENT: DRAFT SERVICE DELIVERY AND BUDGET
IMPLEMENTATION PLAN: DEPARTMENT FINANCES: 2010/11 FINANCIAL YEAR
(6/1/1(10/11), 5/B, 5/5/2/1; 5/2/1/3)**

RESOLVED B.38.15.07.10 –

THAT the matter be referred back to the Portfolio Committee Finances. (DF)

ITEM B.39.15.07.10**PERFORMANCE MANAGEMENT: SERVICE DELIVERY AND BUDGET
IMPLEMENTATION PLAN: DEPARTMENT COMMUNITY SERVICES: 2010/11
FINANCIAL YEAR
(6/1/1(10/11), 5/B, 5/5/2/1; 5/2/1/3)**

RESOLVED B.39.15.07.10 –

THAT the Executive Committee as delegated by Council approve the SDBIP for the 2010/2011 financial year of the Department Community Services, as more fully set out in the Annexure attached to the report in this regard. (DCOMS)

SDBIPCommunity_itm

ITEM B.40.15.07.10**PERFORMANCE MANAGEMENT: SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: DEPARTMENT TECHNICAL SERVICES: 2010/11 FINANCIAL YEAR****(6/1/1(10/11), 5/B, 5/5/2/1; 5/2/1/3)**

RESOLVED B.40.15.07.10 -

THAT the Executive Committee as delegated by Council approve the SDBIP for the 2010/2011 financial year of the Department Technical Services, as more fully set out in the Annexure attached to the report in this regard. (DTS)

SDBIPTechnical_itm

ITEM B.41.15.07.10**PERFORMANCE MANAGEMENT: SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: DEPARTMENT DEVELOPMENT & PLANNING: 2010/11 FINANCIAL YEAR****(6/1/1(10/11), 5/B, 5/5/2/1; 5/2/1/3)**

RESOLVED B.41.15.07.10 -

THAT the Executive Committee as delegated by Council approve the SDBIP for the 2010/2011 financial year of the Department Development and Planning, as more fully set out in the Annexure attached to the report in this regard. (DPP)

SDBIPPlanning_itm

ITEM B.42.15.07.10**COUNCIL LAND: APPLICATION(S) TO PURCHASE: PORTION OF ERF 2636, LOUIS TRICHARDT EXTENSION 7 TOWNSHIP (E2636)****REMARK:**

This item was referred from item A.53.29.07.10 (originally A.41.29.07.10).

RESOLVED B.42.15.07.10 –

THAT this item be referred back to Portfolio Committee and inspection in loco must have to be done, and verify that erf 2636, Louis Trichardt Extension 7 township is not part of the Masagani Land Claim. (DCSS)

SaleErf2636

ITEM B.43.15.07.10

**COUNCIL LAND: PROPOSED SALE OF SEVENTY SIX RESIDENTIAL ERVEN:
VUWANI TOWNSHIP
(7/3/2/1; 15/5/18; 7/4/1/3)**

REMARK:

This item was referred from item A.54.29.07.10 (originally A.42.29.07.10).

RESOLVED B.43.15.07.10 –

THAT this item be referred back to Portfolio Committee Corporate Services who must reconcile the extended document which was submitted separately. (DCSS)

VuwaniTownshipSales_itm

ITEM B.44.29.07.10

**PERFORMANCE MANAGEMENT: SERVICE DELIVERY AND BUDGET
IMPLEMENTATION PLAN: DEPARTMENT CORPORATE SUPPORT AND
SHARED: 2010/11 FINANCIAL YEAR
(6/1/1(10/11), 5/B, 5/5/2/1; 5/2/1/3)**

RESOLVED B.44.29.07.10 –

THAT the Executive Committee as delegated by Council approve the SDBIP for the 2010/2011 financial year of the Department Corporate Support and Shared Services, as more fully set out in the Annexure attached to the report in this regard. (DDP/DCSS)

ITEM B.45.29.07.10

**PERFORMANCE MANAGEMENT: SERVICE DELIVERY AND BUDGET
IMPLEMENTATION PLAN: DEPARTMENT FINANCES: 2010/11 FINANCIAL
YEAR
(6/1/1(10/11), 5/B, 5/5/2/1; 5/2/1/3)**

RESOLVED B.45.29.07.10 –

THAT the Executive Committee as delegated by Council approve the SDBIP for the 2010/2011 financial year of the Department Finance, as more fully set out in the Annexure attached to the report in this regard. (DF/DCSS)

SDBIPFinances_itm

ITEM B.46.29.07.10 (originally A.44.29.07.10)

FINANCES: REQUEST FOR THE APPROVAL OF THE WRITE-OFF OF THE ASSETS THAT COULD NOT BE VERIFIED (8/1/3/3)

REMARK:

This item was referred from item A.56.29.07.10 (originally A.44.29.07.10).

RESOLVED B.46.29.07.10 –

THAT the matter be referred back to the Portfolio Committee: Finance for consideration and resubmission to Council. (DF)

WriteOffAssets_itm

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10. PETITIONS

None

11. NEW MOTIONS

None

The meeting was closed and adjourned at 18h30.

Approved and confirmed in terms of the provisions of section 27 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) by a resolution of the Council passed at the meeting held on the first following ordinary Council meeting of 28 October 2010.

CHAIRPERSON