

# MAKHADO LOCAL MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SERVICES

**MINUTES** OF THE FIFTY NINTH (59<sup>TH</sup>) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON MONDAY, 17 NOVEMBER 2008 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, LOUIS TRICHARDT AT 17:00.

### PRESENT

#### Councillors

BALADZI P	MATAMELA N S
BALOYI R S	MATUMBA J
BOPAPE M B	MAUBA K D
CHAYA A A	MAVHUNGU K
DU PLOOY A	MBOYI M D
DZHOMBE J	MUDAU, T J
GUNDULA, A S	MUFAMADI M R
HELM M A	MUKHAHA A J
HLUNGWANI B F	MUNUNGUFHALA M L
HONWANA X N C	MUROVHI N J
HOORZUK, J	MUTAVHATSINDI F D
KUMALO J D	MUVHUMBE M A
LEBEA M E	NCHAUBA, T G
LOWANE L B	NDHLIWAYO, B T
MABOHO N K	NEPHAWE K D
MABOHO T E	NGOBENI N E
MACHOVANI R G	NGOBENI E H
MADUWA E	NGWANA A G
MAGUGA S G	NKANYANI R G
MAHANI M F	NTHULANE L T
MAHWAI S J	PHASWANA P
MAKHADO M M	RAMASHIA N G
MAKHADO M N	RADAMBA M S
MAKHERA M A	RAMUDZULI S D
MAKHUBELE R T	REKHOTSO, S M
MAPHALA O S	RIKHOTSO F J
MASHAMBA H A	SIKHUTSHI P
MASHAU L P	SIPHUMA A L
MASHELE W N	SMALLE J F
MASUKA S	TSHAVHUYO T G

#### Traditional Leaders

HOSAI MUKHARI T J	KHOSI NESENGANI T P
HOSI MAJOSI H N	KHOSI MASHAMBA N T L
HOSI MUKHARI S T	KHOSI MASHAU T R V

#### Officials

A F MUTHAMBI	(MUNICIPAL MANAGER)
R H MALULEKE	(DIRECTOR FINANCE)
E L MUGARI	(DIRECTOR COMMUNITY SERVICES)
F MAMUREMI	(DIRECTOR TECHNICAL SERVICES)
N C KHARIDZHA	(ACTING DIRECTOR CORPORATE SERVICES)
L BOBODI	(PUBLIC RELATIONS OFFICERS)
T E SHIRINGANI	(ADMINISTRATIVE OFFICER: COMMITTEES)

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**1. OPENING**

The Speaker, Cllr J Hoorzuk ruled that a moment of silence be observed for meditation, whereafter she welcomed everyone present and declared the meeting officially opened.

**2. APPLICATION FOR LEAVE OF ABSENCE**

RESOLVED –

THAT leave of absence be granted in accordance with 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 November 2008 to Cllrs. A C Matodzi, M L Munungufhala, M A Makhera, M M Makananise, M D Mulovhedzi, S E Makhomisani, M D Mulovhedzi, P R J Nemalegeni, P Q Reyneke, N V Mahlaule and F F Rumani.

**REMARK:**

The following councillors and traditional leaders did not sign the attendance register and therefore it cannot be confirmed that they were present at the meeting: Cllrs. T G Mashaba, M N Mabila, M R Selepe as well as Hosi M S Bungeni, Khosi M C Masakona, Khosi M A Madzivhandila, Hosi J Baloyi, Khosi S A Mulima, Hosi J Baloyi, Khosi Ramabulana V C, Khosi S E Sinthumule and Khosi M V Netsianda.

**OFFICIAL ANNOUNCEMENTS**

The Speaker, Cllr J Hoorzuk announced that councilors must collect IRP 5 forms at Finance Department so that they are able to submit it to SARS and that Councillors take note that the due date for submission of tax returns was 5 December 2008.

**4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER**

4.1 The Speaker, Cllr J Hoorzuk proposed condolences in relation to Mama Africa Mariam Makeba who passed away and the Speaker ruled that a moment of silence be observed.

4.2 The Speaker, Cllr J Hoorzuk proposed congratulations to Cllr A S Gundula for her assistance to the Mphilo family whose breadwinner was buried on 15 September 2008.

**5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS**

5.1 Cllr S Masuka proposed congratulations to Cllr M A Helm for attending Special Council after a long absence.

5.2 Cllr A A Chaya proposed congratulations to the Mayor and the Municipal Manager for sending him a letter of appreciation for his efforts and dedication in assisting the poor of the poorest.

## 6. MATTERS CONSIDERED

**Recommendations of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 59<sup>th</sup> Special Council Meeting: 17 November 2008**

### ITEM A.119.17.11.08

#### **STRATEGIC PLANNING TECHNICAL SERVICES (10/2/1/4)**

RESOLVED A.119.17.11.08

1. THAT Council notes the Strategic Planning report from the Department of Technical Services. (DTS)
2. THAT the quarterly reports on progress made be submitted at the next Executive Committee meeting. (DTS)

StrategicPlanning\_itm

### ITEM A.120.17.11.08

#### **SERVICES: ROADS AND STORM-WATER: ENTRANCE TO MAKHADO PARK FROM N1 (16/5/8/2/3)**

RESOLVED A.120.17.11.08 -

1. THAT Council takes note that a commitment was made to apply from SANRAL entrance to Louis Trichardt Extension 8 (Makhado Park) as per specifics in Council Resolution B.149.29.10.04. (DTS)
2. THAT funding for the development of the entrance to Louis Trichardt Extension 8 in this regard be made available in the 2008/09 financial year and be financed from income. (DTS/DF)
3. THAT the funding be catered for under the Budget Review for the 2008/2009 financial year. (DTS/DF)
4. THAT Council note that within the Louis Trichardt Street Refurbishment Street project provision has been made for the studies and the other required design proposals but no provision is made for project implementation (construction). (DTS)
5. THAT the non-implementation of the resolutions will result in the closing of the road and causing further confusion to the residents of the area. (DTS)

6. THAT other sector departments such as the Department of Roads and Transport be engaged on funding for this road and the request for assistance also be extended to Vhembe District Municipality. (DTS)

EntranceMakhadoPark\_itm

**ITEM A.121.17.11.08**

**ESSENTIAL SERVICES: ELECTRICITY DISTRIBUTION INDUSTRY: RESTRUCTURING TO REGIONAL ELECTRICAL DISTRIBUTORS: RED 6: SIGNING OF TRIPARTITE AGREEMENT (8/3/2/617)**

RESOLVED A.121.17.11.08 -

1. THAT the Tripartite Services and Funding Agreement between the Service Provider NetGroup, the Makhado Municipality and the EDI Holdings, attached as Annexure C to the report in this regard be approved, and that Director Technical Services be authorised to sign it. (DTS)
2. THAT note be taken of the following OBLIGATIONS OF THE MUNICIPALITY, which it undertakes to the Service Provider and to EDI Holdings, i.e. that it shall –
  - 2.1 render all reasonable assistance to the Service Provider to enable it to supply the Services, and shall ensure that all matters referred to it for approval are handled in an expeditious manner;
  - 2.2 provide the reasonable co-operation of all of its employees to the Service Provider to facilitate the provision of the Services by the Service Provider;
  - 2.3 provide all reasonably necessary logistical support so as to enable the Service Provider effectively to render the Services, inter alia, by providing security clearance where applicable and an office at its premises (although the office will not necessarily be for the exclusive use of the Service Provider);
  - 2.4 provide all such information as the Service Provider may reasonably require to enable it to perform its obligations under this Agreement; and
  - 2.5 assist EDI Holdings in the monitoring of the provision of services by the Service Provider, and take appropriate action where such service has not been rendered as agreed by the parties; provided that, before taking appropriate action, the Service Provider shall be given at least 30 days written notice. (DTS)
3. THAT Makhado Electricity Distribution Restructuring Steering Committee be reconfirmed as follows:
 

Chairperson	Cllr Muthavhatshindi	Portfolio Technical Services
Councillor Members Committee		Members of the Portfolio Technical Services

Administration	Director Technical Services Management of the Electrical Department Members of Management as co-opted for the subject	
Chairperson	SAMWU	
Chairperson	IMATU	(DTS)

Ej/exco\_52

**ITEM A.122.17.11.08**

**FINANCES: WRITING OFF OF DEBTS OLDER THAN THREE (3) YEARS  
(6/1/1(08/09) & 6/1/B)**

RESOLVED A.122.17.11.08 –

1. THAT Council considers the approval for the writing off of part of the debts as this is the strategy to instil the culture or payment to the consumers within our municipality, as follows:  
*On household consumer's outstanding debt as at 30 June 2005, if consumer settles 50% of the outstanding debt, the other 50% will be written off. There have to be a time limit of 6 months validation from date of offer. There is a lot of debt outstanding from 1999-2005. On the balance from 2005 to date, consumers must sign an arrangement to pay their current account plus an amount on the arrears to bring account up to date and to create a good payment habit.* (DF)
2. THAT the list of clients who are owing R3,5 million as reflected in the report must be attached as Annexure to a report that must be submitted to Council. (DF)

WritingOffDebts\_itm

**ITEM A.123.17.11.08**

**FINANCES: APPOINTMENT OF AUDIT COMMITTEE  
(4/11/1)**

RESOLVED A.123.17.11.08 –

THAT Council utilizes the Audit Committee appointed by Vhembe District Municipality as a shared services as the Municipal Finance Management Act does allow that. (DF)

AuditCommittee\_itm(2)

**ITEM A.124.17.11.08****COUNCIL LAND: PROPOSED DEVELOPMENT: INTER-MODAL TRANSPORT FACILITY: SUITABLE LAND  
(7/2/3/1; 15/5/13/2)****REMARK:**

1. Cllrs J F Smalle and M A Helm requested that their votes be recorded against the Council's resolve.
2. Cllr M M Makhado duly seconded by Cllr T G Tshavhuyo proposed that the land opposite Makhado Crossing (Bird Park) be made available for the proposed development. The proposal is recorded as Council Resolution under paragraph 1 and 3 below.

RESOLVED A.124.17.11.08 -

THAT the Council approves in principle, the following -

1. Making land available for the development of an inter-modal transport facility which will be financed by the Department Transport, and which must be opposite to Makhado Crossing (Bird Park):
  - 1.1 Phase 1 is for the upgrading of existing two taxi ranks in OK taxi rank and Elti Villas taxi rank for the financial year 2008/2009.
  - 1.2 Phase 2 is for the development of an intermodal transport facility which will be financed by the Department of Transport and which must be opposite to Makhado Crossing (Bird Park) in the financial year 2010/2011.
 

(DComS)
2. The option of making land available, i.e.
  - 2.1 by means of a long term lease agreement, or
  - 2.2 by means of sale or
  - 2.3 by means of a public public partnership –

of which in all instances the prescribed procedures of local government legislation will have to be followed which is linked to public processes and timelines. (DComS)
3. The land opposite to Makhado Crossing (Bird Park) be made available for the proposed development, and bearing in mind that it would have to be rezoned through prescribed public consultation process in order to accommodate the proposed development. (DCS)
4. A **technical project manager of the municipality** to take care of all municipal related involvement with the project be appointed. (DTS)

**ITEM A.125.17.11.08****RECONSTITUTION AND APPOINTMENT OF MEMBERS OF COUNCIL COMMITTEES  
(4/3/1)****REMARK:**

This matter was withdrawn.

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**Resolutions of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 59<sup>th</sup> Special Council Meeting: 17 November 2008****ITEM B.117.17.11.08****PERSONNEL: PAYMENT OF PERFORMANCE BONUS TO SECTION 57 EMPLOYEES:  
2007/8 FINANCIAL YEAR  
(SP2/23; 6/1/1(08/09))**

RESOLVED B.117.17.11.08 –

THAT the Mayor and Chairperson Corporate Services is mandated by the Executive Committee to check with the Office of the Speaker where does she get mandate to seek legal opinion on the matter in question, and therefore the matter be deferred until further notice. (ADCS)

PerformanceBonusMM\_itm

**CONFIDENTIAL**

**ITEM CB.118.17.11.08****CONFIDENTIAL MATTER**

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The meeting was closed and adjourned at 18:00.

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 29 January 2009.

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CHAIRPERSON