

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE SIXTY (61ST) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 4 DECEMBER 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
DZHOMBE J	MBOYI M D
HONWANA X N C	MUDAU, T J
HOORZUK, J	MUFAMADI M R
KUMALO J D	MULOVHEDZI M D
LEBEA M E	MUNUNGUFHALA M L
LOWANE L B	MUROVHI N J
MABILA M N	MUTAVHATSINDI F D
MABOHO T E	NDHLIWAYO, B T
MACHOVANI R G	NGOBENI N E
MADUWA E	NGWANA A G
MAGUGA S G	NKANYANI R G
MAHANI M F	NTHULANE L T
MAHWAI S J	PHASWANA P
MAKANANISE M M	RADAMBA M S
MAKHUBELE R T	REKHOTSO, S M
MALETE D	REYNEKE P Q
MAPHALA O S	RIKHOTSO F J
MASHAMBA H A	SELEPE M R
MASHELE W N	SIPHUMA A L
MASUKA S	SMALLE J F

Traditional Leaders

HOSI MAJOSI H N	KHOSI MULIMA S D
KHOSI MADZIVHANDILA M A	KHOSI NETSIANDA M W

Officials

A F MUTHAMBI	(MUNICIPAL MANAGER)
F MAMUREMI	(DIRECTOR TECHNICAL SERVICES)
R H MALULEKE	(DIRECTOR FINANCE)
E L MUGARI	(DIRECTOR COMMUNITY SERVICES)
N C KHARIDZHA	(ACTING DIRECTOR CORPORATE SERVICES)
J LUKHELI	(PA: COUNCILLORS AFFAIRS)
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 and prayer, 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 4 December 2008 to Cllrs. N K Maboho, F F Rumani, M A Helm, B F Hlungwani, A N Matodzi, A J Mukhaha, M M Makhado, A S Gundula, M A Muvhumbe, T G Tshavhuyo, A du Plooy and N V Mahlaule.

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. P R S Nemalegeni, P Sikhutshi, N C Ngobeni, M N Makhado, S D S Manganyi, M D Makhera, N G Ramashia, K P Nephawe, T G Nchauba, L P Mashau, S E Makhomisane and N S Gundula as well as Hosi M S Bungeni, Khosi S A Mulima, Khosi M C Masakona, Khosi T P Nesengani, Khosi N T L Mashamba, Hosi S T Mukhari, Hosi J Baloyi, Khosi V C Ramabulana and Khosi S E Sinthumule.

3. OFFICIAL ANNOUNCEMENTS

The Municipal Manager, Ms A F Muthambi announced that all Councillors were being invited to attend the Vhembe District Municipality Imbizo at Ha-Masia Village on 5 December 2008 at 10:00. The Municipal Manager welcomed Khosi Vho Masia who was present at the gathering.

4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER

None

5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS

- 5.1 The Municipal Manager, Ms A F Muthambi proposed congratulations to Cde Meriam Ramadwa for being elected to the Limpopo Legislature.
- 5.2 Cllr P Q Reyneke proposed congratulations to Musina Municipality for winning the Vuna Awards on service delivery.
- 5.3 Cllr L B Lowane proposed condolences to the family of Dr T Montlana who passed away on Sunday, 30 November 2008.

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): 61st Special Council Meeting: 4 December 2008

ITEM A.126.04.12.08 (originally A.126.26.11.08)

**ESSENTIAL SERVICES: ELECTRIFICATION 2008/9: MAUNAVHATU, SERENI, TSHIMBUPFE THONDONI, MUKONDENI, TSHIVHANGANI, MUWAWENI, TSHWIKA, MADADZI, LEHUFU, SLANGER, NNGWEKHULU: REQUEST FOR ADDITIONAL FUNDING FOR CONSTRUCTION: VHEMBE DISTRICT MUNICIPALITY
(8/3/2/828, /829, /830, /831, /832 and /823)**

REMARK:

Cllr M A Lebea duly seconded by Cllr M D Mulovhedzi proposed that two villages were omitted in the heading in this regard, viz Tshivhangani and Tshimbupfe Thondoni. The two villages were inserted in the heading above.

RESOLVED A.126.04.12.08 –

1. THAT urgent note is taken of the report. (DTS)
2. THAT an additional amount of R22.5mil be applied for from the Vhembe District Municipality in order for Council to be able to continue and proceed with the planned electrification plan as adopted in the 2008/9 IDP, and if need be, the Vhembe District Municipality seek full funding for this purpose from the Department Mineral and Energy Affairs. (DTS)
3. THAT note is taken of the substation-upgrade constraint from Eskom which will affect the electrification project of Nngwekhulu but that further note be taken that the actual construction thereof be continued with and that the infrastructure be secured by the Community Steering Committee and the Ward Councillor until such time that the Village can be energised. (DTS/DComS)
4. THAT all the other project as listed in this report which is currently being funded by the VDM be continued with immediate effect although the full required allocation is not yet confirmed through this application process and it be ratified as and when the funds became available. (DTS)
5. THAT the contractor be on site within fourteen (14) days from date of this resolution.

ITEM A.127.04.12.08 (originally A.127.26.11.08)

- 1. RESIGNATION: COUNCILOR T G MASHABA**
- 2. FILLING OF VACANCIES IN THE EXECUTIVE COMMITTEE AND ELECTION OF MAYOR OF COUNCIL**

(3/3/5; 3/3/3; 3/3/1; 3/3/4 & 3/2/5)

REMARK:

1. This item was jointly considered as the last business of the day with item A.132.04.12.08.
2. The Municipal Manager tabled a letter from the IEC confirming Cllr M M Lurule as a councillor of Makhado Municipality. The letter from the IEC is noted as Council Resolution in paragraph 2 below.
3. Election of the Executive Committee:
Cllr F J Rikhotso (ANC) proposed that the following nine councillors be elected as representatives of the ANC in the Executive Committee, viz:

Cllr Lerule M M
Cllr Mutavhatsindi M D
Cllr Baloyi R S
Cllr Lowani L B
Cllr Muvhumbe M A
Cllr Matumba J
Cllr Reyneke P Q
Cllr Masuka S
Cllr Mudau T J

Cllr S J Mahwai (DA) proposed that Cllr J F Smalle be elected to represent the DA in the Executive Committee. The two proposals were duly seconded by Cllr J Khumalo and is recorded under paragraph 3 as Council Resolution.
4. Election of the Mayor:
Cllr F D Mutavhatsindi, duly seconded by Cllr J Matumba, proposed that Cllr M M Lerule be elected as the Mayor and the Chairperson of the Executive Committee of the Makhado Municipality on a full time capacity. The proposal is recorded as Council Resolution under paragraph 4.
5. Appointment of the Chief Whip
Cllr K D Mauba duly seconded by Cllr M D Mulovhedzi proposed that Cllr F J Rikhotso be appointed as the Chief Whip of Makhado Municipality on a full time capacity. The proposal is recorded as Council Resolution under paragraph 5.
6. Cllr F J Rikhotso duly seconded by Cllr M E Lebea proposed that Cllr R S Baloyi be recalled as a representative of Makhado Municipality in the Vhembe District Municipal Council and he be replaced by Cllr M R Selepe. The proposal is recorded as Council Resolution under paragraph 6.
7. Cllr F J Rikhotso duly seconded by Cllr M E Lebea proposed that the Mayor be delegated with the power to finalize, as soon as possible, the outstanding issue of appointment of other councillors on a full time capacity. In the interim, the status quo regarding other full time councillors remain as it was before this Council Resolution. The proposal is recorded as Council Resolution under paragraph 7.

RESOLVED A.127.04.12.08 -

1. THAT note be taken of the resignation of Councillor T G Mashaba, who was a full time Executive Committee Member, Chairperson of the Finance Portfolio Committee, Chairperson of Executive Committee and Mayor of Council, with last date in office being 30 November 2008. (DCS)
2. THAT it be noted that Cllr M M Lerule was confirmed elected as councillor of Makhado Municipality in the place of Ms T G Mashaba who ceased to be a councillor from 30 November 2008. (DCS)
3. THAT following ten councillors be elected as Executive Committee members, viz:
 - a. Cllr Lerule M M
 - b. Cllr Mutavhatsindi M D
 - c. Cllr Baloyi R S
 - d. Cllr Lowani L B
 - e. Cllr Muvhumbe M A
 - f. Cllr Matumba J
 - g. Cllr Reyneke P Q
 - h. Cllr Masuka S
 - i. Cllr Mudau T J
 - j. Cllr J F Smalle

(DCS/DComs)
4. THAT Cllr M M Lerule be elected as the Mayor and the Chairperson of the Executive Committee of the Makhado Municipality on a full time capacity. (DCS/DF)
5. THAT Cllr F J Rikhotso be appointed as the Chief Whip of Makhado Municipality on a full time capacity. (DCS/DF)
6. THAT Cllr R S Baloyi be recalled as a representative of Makhado Municipality in the Vhembe District Municipal Council and he be replaced by Cllr M R Selepe. (DCS)
7. THAT the Mayor be delegated with the power to finalize, as soon as possible, the outstanding issue of appointment of other councillors on a full time capacity, and for the interim, the status quo regarding other full time councillors remain as it was before this Council Resolution. (DComs)

ITEM A.128.04.12.08 (originally A.128.26.11.08)**PERSONNEL: PAYMENT OF PERFORMANCE BONUS TO SECTION 57 EMPLOYEES:
2007/8 FINANCIAL YEAR
(SP2/23; 6/1/1(08/09))**

RESOLVED A.128.26.11.08 -

1. THAT the Speaker was within her right in procuring illegal opinion to enable her to apply her mind on the grievance lodged by the Municipal Manager related to Annexure C attached to the report in this regard. (DCS)
2. THAT the Municipal Manager is entitled in terms of the Municipal Systems Act of 2000 read with clause 4.4 of the Municipal Manager's contract of employment to a bonus of 10% of the Municipal Manager's total remuneration costs to the employer of 2007/2008 which became due and payable to the Municipal Manager since August 2008. (DF)
3. THAT the Executive Committee must execute its statutory duty of ensuring that the performance agreement of Section 57 Managers for 2009 financial year are duly concluded between the Mayor and the Municipal Manager and in turn between the Municipal Manager and Directors. (MAYOR/MM/DF)

PerfBonusMMlegalopinion_itm

ITEM A.129.04.12.08 (originally A.129.26.11.08)**PERSONNEL: EMPLOYMENT CONTRACTS: SECTION 57 MANAGERS –
DIRECTORS OF MUNICIPAL DEPARTMENTS
(1/1/74 & 5/3/B)**

RESOLVED A.129.04.12.08 –

THAT the Employment Contracts concluded between the Municipal Manager on behalf of the Employer and the section 56 managers, i.e.

Mr R H Maluleke, Chief Financial Officer with effect of 1 January 2008,

Mr E L Mugari, Director Community Services with effect of 1 April 2008, and

Mr F Mamuremi, Director Technical Services with effect of 1 March 2008 respectively be noted, and that it be noted that the term of employment is for five (5) years that will run until 31 December 2012 , 31 March 2013 and 28 February 2013 respectively. (DCS/DF)

EmployContractsDirs_itm

ITEM A.130.04.12.08 (originally A.130.26.11.08)**PERSONNEL: CLOSING OF MUNICIPAL OFFICES DURING FESTIVE SEASON
2008/2009
(5/6/5 & 5/6/B)**

RESOLVED A.130.04.12.08 -

THAT Council approves the closure of the municipal offices for the whole day on 24 December 2008, 31 December 2008 and 2 January 2009, subject to the following conditions:

1. The Director Finance must make arrangements that the water and lights counter at the Civic Center and all satellite offices selling electricity are opened on the 24th, 26th, 31 December 2008 and on 2 January 2009 from 08:00 to 13:00 for the purpose of selling electricity to our clients.
2. The Director Technical Services must also ensure that during the period mentioned in paragraph 1 above, that electricity and water connections for new consumers be made temporarily and the necessary records be opened on the first working day.
3. The Director Community Services must devise a management plan on disaster, emergency and traffic services during the festive season and the Call Centre must be fully functional.
4. Proper notice must be published in both electronic and print media and displayed at strategic points in good time in order to inform members of public of the closure.
5. All emergency and stand-by municipal services will continue uninterrupted as is the case in regard to all public holidays and during week-ends.
6. The Municipal Manager must manage the selection of cashiers to work on the said dates on a voluntary basis, and overtime be paid to such staff in accord with Council's policy.

ClosingOffices_itm

(DCS)

ITEM A.131.04.12.08 (originally A.131.26.11.08)**PERSONNEL: RE-GRADING OF MAKHADO LOCAL MUNICIPALITY
[5/5/B & 5/2/B]**

RESOLVED A.131.04.12.08 -

1. THAT the contents of the letter from SALGA, Limpopo dated 14 October 2008, attached to this report as annexure B, is noted and rejected for the reason that the Bargaining Council was not interested in entertaining applications for re-grading and would for the same reason not entertain the application for exemption from the Collective Agreement. (DCS)
2. THAT the Municipality's salary structure be benchmarked with the salary structure of Vhembe District Municipality as per Annexure D attached to the report in this regard and be approved for implementing with effect of 1 December 2008. (DCS)

3. THAT in view of the salary structure of Vhembe District Municipality pertaining to the Municipal Manager, the salary of the Municipal Manager be protected in terms of the contract of employment. (DCS)
4. THAT post levels 16 and 17 be abolished from the organogram and incumbents be placed directly in post level 15, as follows:
 - 4.1 The employees who are currently at post level 15 be remunerated at the maximum notch.
 - 4.2 The employees who are currently at post level 16 be remunerated at the middle notch.
 - 4.3 The employees who are currently at post level 17 be remunerated at the minimum notch. (DCS)
5. THAT it be noted that the Chief Financial Officer confirmed that funds were available to finance the adjusted salary structure. (DCS)

GradingMunicipality_itm

ITEM A.132.04.12.08

1. **RESIGNATION: COUNCILOR T G MASHABA**
2. **FILLING OF VACANCIES IN THE EXECUTIVE COMMITTEE AND ELECTION OF MAYOR OF COUNCIL**
3. **ACTING ARRANGEMENT: MAYOR AND CHAIRPERSON OF THE EXECUTIVE COMMITTEE**
(3/3/5; 3/3/3; 3/3/1; 3/3/4 & 3/2/5)

REMARK:

1. This item was jointly considered as the last business of the day with item A.127.04.12.08.
2. The Municipal Manager tabled a letter from the IEC confirming Cllr M M Lurule as a councillor of Makhado Municipality. The letter from the IEC is noted as Council Resolution in paragraph 2 below.
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RESOLVED A.132.04.12.08 -

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 - i. Cllr Mudau T J
 - j. Cllr J F Smalle

(DCS/DComs)
4. THAT Cllr M M Lerule be elected as the Mayor and the Chairperson of the Executive Committee of the Makhado Municipality on a full time capacity. (DCS/DF)
5. THAT Cllr F J Rikhotso be appointed as the Chief Whip of Makhado Municipality on a full time capacity. (DCS/DF)

6. THAT Cllr R S Baloyi be recalled as a representative of Makhado Municipality in the Vhembe District Municipal Council and he be replaced by Cllr M R Selepe. (DCS)
7. THAT the Mayor be delegated with the power to finalize, as soon as possible, the outstanding issue of appointment of other councillors on a full time capacity, and for the interim, the status quo regarding other full time councillors remain as it was before this Council Resolution. (DComs)

ITEM A.133.04.12.08

DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS (12/2/1/54 & 5/5/2/1)

RESOLVED A.133.04.12.08 –

1. THAT Council takes note of the draft notice for the determination of the remuneration of the members of Municipal Councils. (DCS)
2. THAT Council agrees with SALGA that the final notice must include the recommendation of the Commission regarding the R120 000,00 allowance permitted by Section 8(d) of the Income Tax Act of 1962. (DCS)
3. THAT the Municipal Manager and Chief Financial Officer must implement salary increase for councillors as soon as the Minister has proclaimed the increase in the Government Gazette. (MM/DF)

UpperLimitsNotice_itm

ITEM A.134.04.12.08

WATER SERVICES: REFURBISHMENT OF WATER SERVICES INFRASTRUCTURE SYSTEMS (16/1/1)

RESOLVED A.134.04.12.08 -

1. THAT Council note reports on water services interventions and various correspondences that were sent to the Vhembe District Municipality for interventions. (DTS)
2. THAT Council provide special attention and intervention on political level to further source for financial support to completely resolve the water services challenges around Louis Trichardt. (DTS)
3. THAT the Executive Mayor of Vhembe District Municipality committed R13m to fund the refurbishment of Louis Trichardt Waste Water Treatment Works (WWTW). (DTS)

4. THAT the funds be transferred to Makhado Municipality for the purpose of management, controlling and accountability on project implementation. (DTS)
5. THAT Council takes note of the funds of R13 m as allocated by the Executive Mayor of Vhembe District Municipality of which the commitment letter would follow soon. (DTS/DF)
6. THAT this funding will not resolve all our challenges but will only mitigate them in as far as our waste water as deposited into the environment meet the required standards. (DTS)
7. THAT the challenges as experienced on all other remaining booster pump station will remain and persist. (DTS)
8. THAT challenges on which this intervention is sought is on bulk water services infrastructure. (DTS)
9. THAT the Vhembe District Municipality has appointed a professional service provider to plan, manage and implement long term intervention. (DTS)
10. THAT the appointment of the service provider is urgent due to the nature of the challenge. (DTS)
11. THAT due to tight deadlines it may not be feasible to follow the proper procurement process as per supply chain policy of the municipality. (DF/DTS)
12. THAT Council approve the appointment of Kwezi V3 consulting that was appointed to evaluate and make recommendations on water services infrastructure of which recommendations and the scope of work could not be implemented due to financial constraints. (DF/DTS)
13. THAT this report be forwarded to the Office of the Minister of Water Affairs & Forestry with a view of further requesting financial support to complete the remaining scope of works. (DTS)
14. THAT Makhado Municipality is appointed as a Retail Water Services Provider through the service level agreement and therefore would be implementing this project on behalf of the Vhembe District Municipality. (DTS)
15. THAT the cost for the attached scope of work of the studies conducted in 2006 and 2007 will have to be adjusted due to time escalations. (DTS)
16. THAT the Municipal Manager appoints a security company to safeguard the municipal property due to continuous vandalism and theft. (DComS/DTS)

17. THAT Vhembe District Municipality reimburse the Municipality on funds incurred on security measures. (DComS/DTS)

WaterServices_itm

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The meeting was closed and adjourned at 18:30.

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.

CHAIRPERSON

CNK/lh/SpecialCouncilMinutes_61